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THE DECLARATION OF INDEPENDENCE IN THE LIGHT OF MODERN CRITICISM.

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I.

It can hardly be doubted that some hindrance to a right estimate of the Declaration of Independence is occasioned by either of two opposite conditions of mind, both of which are often to be met with among us: on the one hand, a condition of hereditary, uncritical awe and worship of the American Revolution, and of that state paper as its absolutely perfect and glorious expression; on the other hand, a later condition of cultivated distrust of the Declaration, as a piece of writing lifted up into inordinate renown by the passionate and heroic circumstances of its origin, and ever since then extolled beyond reason by the blind energy of patriotic enthusiasm. Turning from the former state of mind, which obviously calls for no further comment, we may note, as a partial illustration of the latter, that American confidence in the supreme intellectual merit of this all-famous document received a serious wound some forty years ago from the hand of Rufus Choate, when, with a courage greater than would now be required for such an act, he characterized it as made up of "glittering and sounding generalities of natural

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right."* What the great advocate then so unhesitatingly suggested, many a thoughtful American since then has at least suspected — that our great proclamation, as a piece of political literature, cannot stand the test of modern analysis; that it belongs to the immense class of over-praised productions; that it is, in fact, a stately patchwork of sweeping propositions of somewhat doubtful validity; that it has long imposed upon mankind by the well-known effectiveness of verbal glitter and sound; that, at the best, it is an example of florid political declamation belonging to the sophomoric period of our national life, a period which, as we flatter ourselves, we have now outgrown.

Nevertheless, it is to be noted that whatever authority the Declaration of Independence has acquired in the world, has been due to no lack of criticism, either at the time of its first appearance, or since then; a fact which seems to tell in favor of its essential worth and strength. From the date of its original publication down to the present moment, it has been attacked again and again, either in anger, or in contempt, by friends as well as by enemies of the American Revolution, by liberals in politics as well as by conservatives. It has been censured for its substance, it has been censured for its form, for its misstatements of fact, for its fallacies in reasoning, for its audacious novelties and paradoxes, for its total lack of all novelty, for its repetition of old and threadbare statements, even for its downright plagiarisms; finally, for its grandiose and vaporing style.

II.

One of the earliest and ablest of its assailants was Thomas Hutchinson, the last civil governor of the colony of Massachusetts, who, being stranded in London by the political storm which had blown him thither, published there, in the autumn of 1776, his "Strictures Upon the Declaration of the Congress at Philadelphia,"† wherein, with an unsurpassed knowledge of the origin of the controversy, and with an unsurpassed acumen in the discussion of it, he traverses the entire document, paragraph by paragraph, for the purpose of showing that its allegations in support of American Independence are "false and frivolous."‡

* Letter of Rufus Choate to the Whigs of Maine, 1856.
† His pamphlet is dated October 15, 1776.
‡ "*Strictures*," etc., 3.

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A better-written, and, upon the whole, a more plausible and a more powerful, arraignment of the great Declaration was the celebrated pamphlet by Sir John Dalrymple, "The Rights of Great Britain Asserted against the Claims of America: Being an Answer to the Declaration of the General Congress,"—a pamphlet scattered broadcast over the world at such a rate that at least eight editions of it were published during the last three or four months of the year 1776. Here, again, the manifesto of Congress is subjected to a searching examination, in order to prove that "the facts are either wilfully or ignorantly misrepresented, and the arguments deduced from premises that have no foundation in truth."* It is doubtful if any disinterested student of history, any competent judge of reasoning, will now deny to this pamphlet the praise of making out a very strong case against the historical accuracy and the logical soundness of many parts of the Declaration of Independence.

Undoubtedly, the force of such censures is for us much broken by the fact that they proceeded from men who were themselves partisans in the Revolutionary controversy, and bitterly hostile to the whole movement which the Declaration was intended to justify. Such is not the case, however, with the leading modern English critics of the same document, who, while blaming in severe terms the policy of the British Government toward the Thirteen Colonies, have also found much to abate from the confidence due to this official announcement of the reasons for our secession from the empire. For example, Earl Russell, after frankly saying that the great disruption proclaimed by the Declaration of Independence was a result which Great Britain had "used every means most fitted to bring about," such as "vacillation in council, harshness in language, feebleness in execution, disregard of American sympathies and affections," also pointed out that "the truth of this memorable Declaration" was "warped" by "one singular defect," namely, its exclusive and excessive arraignment of George the Third "as a single and despotic tyrant," much like Philip the Second to the people of the Netherlands.†

This temperate criticism from an able and a liberal English

* "*The Rights*," etc., 1-2. The copy used by me is the seventh edition, London, 1776.

† Lord John Russell, "*Memorials and Correspondence of Charles James Fox*," i., 151-152.

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statesman of the present century may be said to touch the very core of the problem as to the historic justice of our great indictment of the last King of America; and there is deep significance in the fact that this is the very criticism upon the document, which, as John Adams tells us, he himself had in mind when it was first submitted to him in committee, and even when, shortly afterward, he advocated its adoption by Congress. After mentioning certain things in it with which he was delighted, he adds:

"There were other expressions which I would not have inserted if I had drawn it up—particularly that which called the King tyrant. I thought this too personal; for I never believed George to be a tyrant in disposition and in nature. I always believed him to be deceived by his courtiers on both sides of the Atlantic, and in his official capacity only cruel. I thought the expression too passionate, and too much like scolding, for so grave and solemn a document; but, as Franklin and Sherman were to inspect it afterwards, I thought it would not become me to strike it out. I consented to report it." *

A more minute and a more poignant criticism of the Declaration of Independence has been made in recent years by still another English writer of liberal tendencies, who, however, in his capacity as critic, seems here to labor under the disadvantage of having transferred to the document which he undertakes to judge much of the extreme dislike which he has for the man who wrote it, whom, indeed, he regards as a sophist, as a demagogue, as quite capable of inveracity in speech, and as bearing some resemblance to Robespierre "in his feline nature, his malignant egotism, and his intense suspiciousness, as well as in his bloody-minded, yet possibly sincere, philanthropy."† In the opinion of Prof. Goldwin Smith, our great national manifesto is written "in a highly rhetorical strain";‡ "it opens with sweeping aphorisms about the natural rights of man, at which political science now smiles, and which . . . might seem strange when framed for slave-holding communities by a publicist who

* "*The Works of John Adams*," ii., 514, note. The distinction here made by John Adams between the personal and the official character of George III. is quite pointless in its application to the Declaration of Independence; since it is of the King's official character only that the Declaration speaks. Moreover, John Adams's testimony in 1822 that he "never believed George to be a tyrant in disposition and nature," is completely destroyed by John Adams's own testimony on that subject as recorded at an earlier period of his life. For example, in 1780, in a letter to M. Dumas, he thus speaks of George III. under the name of "White Eyes": "Europe, in general, is much mistaken in that character; it is a pity that he should be believed to be so amiable; the truth is far otherwise. *Nerone neronior* is nearer the truth." *Ibid.*, vii., 327.

† Goldwin Smith, in *The Nineteenth Century*, No. 131, January, 1888, p. 109.

‡ "*The United States: An Outline of Political History*," 88.

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himself held slaves" ;* while, in its specifications of fact, it "is not more scrupulously truthful than are the general utterances"† of the statesman who was its scribe. Its charges that the several offensive acts of the king, besides "evincing a design to reduce the colonists under absolute depotism," "all had as their direct object the establishment of an absolute tyranny," are simply "propositions which history cannot accept."‡ Moreover, the Declaration "blinks the fact that many of the acts, styled steps of usurpation, were measures of repression, which, however unwise or excessive, had been provoked by popular outrage."§ "No government could allow its officers to be assaulted and their houses sacked, its loyal lieges to be tarred and feathered, or the property of merchants sailing under its flag to be thrown by lawless hands into the sea."‖ Even "the preposterous violence and the manifest insincerity of the suppressed clause" against slavery and the slave-trade "are enough to create suspicion as to the spirit in which the whole document was framed."¶

III.

Finally, as has been already intimated, not even among Americans themselves has the Declaration of Independence been permitted to pass on into the enjoyment of its superb renown, without much critical disparagement at the hands of statesmen and historians. No doubt Calhoun had its preamble in mind when he declared that "nothing can be more unfounded and false" than "the prevalent opinion that all men are born free and equal" ; for "it rests upon the assumption of a fact which is contrary to universal observation."** Of course, all Americans who have shared to any extent in Calhoun's doctrines respecting human society could hardly fail to agree with him in regarding as fallacious and worthless those general propositions in the Declaration which seem to constitute its logical starting point, as well as its ultimate defence.

Perhaps, however, the most frequent form of disparagement to which Jefferson's great state paper has been subjected among

* "*The United States*," etc., 87-88.
† *The Nineteenth Century*, No. 131, p. 111.
‡ "*The United States*," etc., 88.
§ *Ibid.*, 88.
‖ *The Nineteenth Century*, No. 131, p. 111.
¶ *Ibid.*
** "A Disquisition on Government" in "*The Works of John C. Calhoun*," i., 57.

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us is that which would minimize his merit in composing it, by denying to it the merit of originality. For example, Richard Henry Lee sneered at it as a thing "copied from Locke's *Treatise on Government.*"* The author of a life of Jefferson, published in the year of Jefferson's retirement from the presidency, suggests that the credit of having composed the Declaration of Independence "has been perhaps more generally, than truly, given by the public" to that great man.† Charles Campbell, the historian of Virginia, intimates that some expressions in the document were taken without acknowledgment from Aphra Behn's tragi-comedy, "The Widow-Ranter, or the History of Bacon in Virginia."‡ John Stockton Littell describes the Declaration of Independence as "that enduring monument at once of patriotism, and of genius and skill in the art of appropriation" —asserting that "for the sentiments and much of the language" of it, Jefferson was indebted to Chief Justice Drayton's charge to the grand jury of Charleston, delivered in April, 1776, as well as to the Declaration of Independence said to have been adopted by some citizens of Mecklenburg County, North Carolina, in May, 1775.§ Even the latest and most critical editor of the writings of Jefferson calls attention to the fact that a glance at the Declaration of Rights, as adopted by Virginia on the 12th of June, 1776, "would seem to indicate the source from which Jefferson derived a most important and popular part" of his famous production.‖ By no one, however, has the charge of a lack of originality been pressed with so much decisiveness as by John Adams, who took evident pleasure in speaking of it as a document in which were merely "recapitulated" previous and well-known statements of American rights and wrongs,¶ and who, as late as in the year 1822, deliberately wrote:

"There is not an idea in it but what had been hackneyed in Congress for two years before. The substance of it is contained in the declaration of rights and the violation of those rights, in the Journals of Congress, in 1774. Indeed, the essence of it is contained in a pamphlet, voted and printed by the town of Boston, before the first Congress met, composed by James Otis, as I suppose, in one of his lucid intervals, and pruned and polished by Samuel Adams."**

* "*The Writings of Thomas Jefferson*," H. A. Washington ed., vii., 39.
† Stephen Cullen Carpenter, "*Memoirs of Thomas Jefferson*," i., 11.
‡ "*History of ..... Virginia*," 317.
§ Grayden's "*Men and Times of the American Revolution*," 323, note.
‖ Paul Leicester Ford, "*The Writings of Thomas Jefferson*," I Introd. xxvi.
¶ "*The Works of John Adams*," ii., 377.
** *Ibid.*, 514, note.

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IV.

Perhaps nowhere in our literature would it be possible to find a criticism brought forward by a really able man against any piece of writing less applicable to the case, and of less force and value, than is this particular criticism by John Adams and others, as to the lack of originality in the Declaration of Independence. Indeed, for such a paper as Jefferson was commissioned to write, the one quality which it could not properly have had, the one quality which would have been fatal to its acceptance either by the American Congress or by the American people—is originality. They were then at the culmination of a tremendous controversy over alleged grievances of the most serious kind—a controversy that had been steadily raging for at least twelve years. In the course of that long dispute, every phase of it, whether as to abstract right or constitutional privilege or personal procedure, had been presented in almost every conceivable form of speech. At last, they had resolved, in view of all this experience, no longer to prosecute the controversy as members of the empire; they had resolved to revolt, and, casting off forever their ancient fealty to the British crown, to separate from the empire, and to establish themselves as a new nation among the nations of the earth. In this emergency, as it happened, Jefferson was called upon to put into form a suitable statement of the chief considerations which prompted them to this great act of revolution, and which, as they believed, justified it. What, then, was Jefferson to do? Was he to regard himself as a mere literary essayist, set to produce before the world a sort of prize-dissertation—a calm, analytic, judicial treatise on history and politics with a particular application to Anglo-American affairs—one essential merit of which would be its originality as a contribution to historical and political literature? Was he not, rather, to regard himself as, for the time being, the very mouthpiece and prophet of the people whom he represented, and as such required to bring together and to set in order, in their name, not what was new, but what was old; to gather up into his own soul, as much as possible, whatever was then also in their souls, their very thoughts and passions, their ideas of constitutional law, their interpretations of fact, their opinions as to men and as to events in all that ugly quarrel, their notions of justice, of civic dignity, of human rights; finally, their

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memories of wrongs which seemed to them intolerable, especially of wrongs inflicted upon them during those twelve years by the hands of insolent and brutal men, in the name of the King, and by his apparent command ?

Moreover, as the nature of the task laid upon him made it necessary that he should thus state, as the reasons for their intended act, those very considerations both as to fact and as to opinion which had actually operated upon their minds, so did it require him to do so, to some extent, in the very language which the people themselves, in their more formal and deliberate utterances, had all along been using. In the development of political life in England and America, there had already been created a vast literature of constitutional progress—a literature common to both portions of the English race, pervaded by its own stately traditions, and reverberating certain great phrases which formed, as one may say, almost the vernacular of English justice, and of English aspiration for a free, manly and orderly political life. In this vernacular the Declaration of Independence was written. The phraseology thus characteristic of it is the very phraseology of the champions of constitutional expansion, of civic dignity and progress, within the English race ever since Magna Charta; of the great state papers of English freedom in the seventeenth century, particularly the Petition of Right in 1629, and the Bill of Rights in 1789; of the great English Charters for colonization in America; of the great English exponents of legal and political progress—Sir Edward Coke, John Milton, Sir Philip Sidney, John Locke; finally, of the great American exponents of political liberty, and of the chief representative bodies, whether local or general, which had convened in America from the time of Stamp Act Congress until that of the Congress which resolved upon our independence. To say, therefore, that the official declaration of that resolve is a paper made up of the very opinions, beliefs, unbeliefs, the very sentiments, prejudices, passions, even the errors in judgment and the personal misconstructions—if they were such—which then actually impelled the American people to that mighty act, and that all these are expressed in the very phrases which they had been accustomed to use, is to pay to that state-paper the highest tribute as to its fitness for the purpose for which it was framed.

Of much of this, also, Jefferson himself seems to have been

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conscious; and perhaps never does he rise before us with more dignity, with more truth, than when, late in his lifetime, hurt by the captious and jangling words of disparagement then recently put into writing by his old comrade, to the effect that the Declaration of Independence "contained no new ideas, that it is a commonplace compilation, its sentences hackneyed in Congress for two years before, and its essence contained in Otis's pamphlet," Jefferson quietly remarked that perhaps these statements might "all be true: of that I am not to be the judge. . . . Whether I had gathered my ideas from reading or reflection, I do not know. I know only that I turned to neither book nor pamphlet while writing it. I did not consider it as any part of my charge to invent new ideas altogether and to offer no sentiment which had ever been expressed before."*

Before passing from this phase of the subject, however, it should be added that, while the Declaration of Independence lacks originality in the sense just indicated, in another and perhaps in a higher sense, it possesses originality—it is individualized by the character and by the genius of its author. Jefferson gathered up the thoughts and emotions and even the characteristic phrases of the people for whom he wrote, and these he perfectly incorporated with what was already in his mind, and then to the music of his own keen, rich, passionate, and enkindling style, he mustered them into that stately and triumphant procession wherein, as some of us still think, they will go marching on to the world's end.

There were then in Congress several other men who could have written the Declaration of Independence, and written it well—notably Franklin, either of the two Adamses, Richard Henry Lee, William Livingston, and, best of all, but for his own opposition to the measure, John Dickinson; but had any one of these other men written the Declaration of Independence, while it would have contained, doubtless, nearly the same topics and nearly the same great formulas of political statement, it would yet have been a wholly different composition from this of Jefferson's. No one at all familiar with his other writings, as well as with the writings of his chief contemporaries, could ever have a moment's doubt, even if the fact were not already notorious,

* "*The Writings of Thomas Jefferson*," H. A. Washington ed., vii., 305.

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that this document was by Jefferson. He put into it something that was his own, and that no one else could have put there. He put himself into it—his own genius, his own moral force, his faith in God, his faith in ideas, his love of innovation, his passion for progress, his invincible enthusiasm, his intolerance of prescription, of injustice, of cruelty; his sympathy, his clarity of vision, his affluence of diction, his power to fling out great phrases which will long fire and cheer the souls of men struggling against political unrighteousness.

And herein lies its essential originality, perhaps the most precious, and, indeed, almost the only, originality ever attaching to any great literary product that is representative of its time. He made for himself no improper claim, therefore, when he directed that upon the granite obelisk at his grave should be carved the words: "Here was buried Thomas Jefferson, author of the Declaration of Independence."*

V.

If the Declaration of Independence is now to be fairly judged by us, it must be judged with reference to what it was intended to be, namely, an impassioned manifesto of one party, and that the weaker party, in a violent race-quarrel; of a party resolved, at last, upon the extremity of revolution, and already menaced by the inconceivable disaster of being defeated in the very act of armed rebellion against the mightiest military power on earth. This manifesto, then, is not to be censured because, being avowedly a statement of its own side of the quarrel, it does not also contain a moderate and judicial statement of the opposite side; or because, being necessarily partisan in method, it is likewise both partisan and vehement in tone; or because it bristles with accusations against the enemy so fierce and so unqualified as now to seem in some respects overdrawn; or because it resounds with certain great aphorisms about the natural rights of man, at which, indeed, political science cannot now smile, except to its own discomfiture and shame—aphorisms which are likely to abide in this world as the chief source and inspiration of heroic enterprises among men for self-deliverance from oppression.

Taking into account, therefore, as we are bound to do, the circumstances of its origin, and especially its purpose as a solemn

* Randall, "*The Life of Thomas Jefferson*," iii., 563.

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and piercing appeal to mankind on behalf of a small and weak nation against the alleged injustice and cruelty of a great and powerful one, it still remains our duty to enquire whether, as has been asserted in our time, history must set aside either of the two central charges embodied in the Declaration of Independence.

The first of these charges affirms that the several acts complained of by the colonists evinced "a design to reduce them under absolute despotism," and had as their "direct object the establishment of an absolute tyranny" over the American people. Was this, indeed, a groundless charge, in the sense intended by the words "despotism" and "tyranny"—that is, in the sense commonly given to those words in the usage of the English-speaking race? According to that usage, it was not an Oriental despotism that was meant, nor a Greek tyranny, nor a Roman, nor a Spanish. The sort of despot, the sort of tyrant, whom the English people, ever since the time of King John and especially during the period of the Stuarts, had been accustomed to look for and to guard against, was the sort of tyrant or despot that could be evolved out of the conditions of English political life. Furthermore, he was not by them expected to appear among them at the outset in the fully developed shape of a Philip or an Alva in the Netherlands. They were able to recognize him, they were prepared to resist him, in the earliest and most incipient stage of his being—at the moment, in fact, when he should make his first attempt to gain all power over his people, by assuming the single power to take their property without their consent. Hence it was, as Edmund Burke pointed out in the House of Commons only a few weeks before the American Revolution entered upon its military phase, that:

"The great contests for freedom . . . were from the earliest times chiefly upon the question of taxing. Most of the contests in the ancient commonwealths turned primarily on the right of election of magistrates, or on the balance among the several orders of the state. The question of money was not with them so immediate. But in England it was otherwise. On this point of taxes the ablest pens and most eloquent tongues have been exercised, the greatest spirits have acted and suffered . . . . They took infinite pains to inculcate, as a fundamental principle, that in all monarchies the people must in effect, themselves, mediately or immediately, possess the power of granting their own money, or no shadow of liberty could subsist. The colonies draw from you, as with their life-blood, these ideas and principles. Their love of liberty, as with you, fixed and attached on this specific

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point of taxing. Liberty might be safe or might be endangered in twenty other particulars without their being much pleased or alarmed. Here they felt its pulse, and as they found that beat, they thought themselves sick or sound."*

Accordingly, the meaning which the English race on both sides of the Atlantic were accustomed to attach to the words "tyranny" and "despotism," was a meaning to some degree ideal; it was a meaning drawn from the extraordinary political sagacity with which that race is endowed, from their extraordinary sensitiveness as to the use of the taxing-power in government, from their instinctive perception of the commanding place of the taxing-power among all the other forms of power in the state, from their perfect assurance that he who holds the purse with the power to fill it and to empty it, holds the key of the situation —can maintain an army of his own, can rule without consulting Parliament, can silence criticism, can crush opposition, can strip his subjects of every vestige of political life; in other words, he can make slaves of them, he can make a despot and a tyrant of himself. Therefore, the system which in the end might develop into results so palpably tyrannic and despotic, they bluntly called a tyranny and a despotism in the beginning. To say, therefore, that the Declaration of Independence did the same, is to say that it spoke good English. Of course, history will be ready to set aside the charge thus made in language not at all liable to be misunderstood, just so soon as history is ready to set aside the common opinion that the several acts of the British government, from 1764 to 1776, for laying and enforcing taxation in America, did evince a somewhat particular and systematic design to take away some portion of the property of the American people without their consent.

The second of the two great charges contained in the Declaration of Independence, while intimating that some share in the blame is due to the British Parliament and to the British people, yet fastens upon the king himself as the one person chiefly responsible for the scheme of American tyranny therein set forth, and culminates in the frank description of him as "a prince whose character is thus marked by every act which may define a tyrant." Is this accusation of George the Third now to be set aside as unhistoric? Was that king, or was he not, chiefly re-

* "Speech on moving his Resolutions for Concilition with the Colonies," March 22, 1775. "*The Works of Edmund Burke*," ii., 120-121.

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sponsible for the American policy of the British government between the years 1764 and 1776? If he was so, then the historic soundness of the most important portion of the Declaration of Independence is vindicated.

Fortunately, this question can be answered without hesitation, and in a few words; and for these few words, an American writer of to-day, conscious of his own bias of nationality, will rightly prefer to cite such words as have been uttered upon the subject by the ablest English historians of our time. Upon their statements alone it must be concluded that George the Third ascended his throne with the fixed purpose of resuming to the crown many of those powers which, by the constitution of England, did not then belong to it, and that in this purpose, at least during the first twenty-five years of his reign, he substantially succeeded—himself determining what should be the policy of each administration, what opinions his ministers should advocate in Parliament, and what measures Parliament itself should adopt. Says Sir Erskine May:

"The king desired to undertake personally the chief administration of public affairs, to direct the policy of his ministers, and himself to distribute the patronage of the crown. He was ambitious not only to reign, but to govern." "Strong as were the ministers, the king was resolved to wrest all power from their hands, and to exercise it himself." "But what was this in effect but to assert that the king should be his own minister? . . . The king's tactics were fraught with danger, as well to the crown itself as to the constitutional liberties of the people."*

Already, prior to the year 1778, according to Lecky, the king had "laboriously built up" in England a "system of personal government"; and it was because he was unwilling to have this system disturbed that he then refused,

"In defiance of the most earnest representations of his own minister and of the most eminent politicians of every party . . . to send for the greatest of living statesmen at the moment when the empire appeared to be in the very agonies of dissolution. . . . Either Chatham or Rockingham would have insisted that the policy of the country should be directed by its responsible ministers and not dictated by an irresponsible sovereign."

This refusal of the king to pursue the course which was called for by the constitution, and which would have taken the control of the policy of the government out of his hands, was, according to the same great historian, an act "the most criminal

* These sentences occur in the chapter on the "The Influence of the Crown during the Reign of George III.," in Sir Erskine May's "*Constitutional History of England*," i., 11, 12, 14-15.

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in the whole reign of George the Third ; . . . as criminal as any of those acts which led Charles the First to the scaffold."*

Even so early as the year 1768, according to John Richard Green,

"George the Third had at last reached his aim . . . In the early days of the ministry" (which began in that year) "his influence was felt to be predominant. In its later and more disastrous days it was supreme; for Lord North, who became the head of the ministry on Grafton's retirement in 1770, was the mere mouthpiece of the king. 'Not only did he direct the minister,' a careful observer tells us, 'in all important matters of foreign and domestic policy, but he instructed him as to the management of debates in Parliament, suggested what motions should be made or opposed, and how measures should be carried. He reserved for himself all the patronage, he arranged the whole cast of the administration, settled the relative place and pretensions of ministers of state, law officers, and members of the household, nominated and promoted the English and Scotch judges, appointed and translated bishops and deans, and dispensed other preferments in the church. He disposed of military governments, regiments, and commissions, and himself ordered the marching of troops He gave and refused titles, honors, and pensions'. All this immense patronage was steadily used for the creation of a party in both houses of Parliament attached to the king himself . . . George was, in fact, sole minister during the fifteen years which followed; and the shame of the darkest hour of English history lies wholly at his door."†

Surely, until these tremendous verdicts of English history shall be set aside, there need be no anxiety in any quarter as to the historic soundness of the two great accusations which together make up the principal portion of the Declaration of Independence. In the presence of these verdicts also, even the passion, the intensity of language, in which those accusations are uttered, seem to find a perfect justification. Indeed, in the light of the most recent and most unprejudiced expert testimony, the whole document, both in its substance and in its form, seems to have been the logical response of a nation of brave men to the great words of the greatest of English statesmen, as spoken in the House of Commons precisely ten years before :

"This kingdom has no right to lay a tax on the colonies.‡ Sir, I rejoice that America has resisted. Three millions of people, so dead to all the feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of the rest."§

VI.

Thus, ever since its first announcement to the world, and

* Lecky, "*A History of England in the Eighteenth Century*," iv., 457-458.
† "*A Short History of the English People*," 736, 737.
‡ "*The Celebrated Speech of a Celebrated Commoner*," London, 1776, p. 5.
§ *Ibid.*, 12.

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down almost to the present moment, has the Declaration of Independence been tested by criticism of every possible kind—by criticism intended and expected to be destructive. Apparently, however, all this criticism has failed to accomplish its object.

It is proper for us to remember, also, that what we call criticism is not the only valid test of the genuineness and worth of any piece of writing of great practical interest to mankind: there is, in addition, the test of actual use and service, in direct contact with the common sense and the moral sense of large masses of men, under various conditions, and for a long period. Probably no writing which is not essentially sound and true has ever survived this test.

Neither from this test has the great Declaration any need to shrink. As to the immediate use for which it was sent forth—that of rallying and uniting the friends of the Revolution, and bracing them for their great task—its effectiveness was so great and so obvious that it has never been denied. During the century and a quarter since the Revolution, its influence on the political character and the political conduct of the American people has been great beyond calculation. For example, after we had achieved our own national deliverance, and had advanced into that enormous and somewhat corrupting material prosperity which followed the adoption of the constitution and the development of the cotton-interest and the expansion of the Republic into a trans-continental power, we fell under an appalling temptation—the temptation to forget, or to repudiate, or to refuse to apply to the case of our human brethren in bondage, the principles which we had once proclaimed as the basis of every rightful government. The prodigious service rendered to us in this awful moral emergency by the Declaration of Independence was, that its public repetition, at least once every year, in the hearing of vast throngs of the American people in every portion of the Republic, kept constantly before our minds, in a form of almost religious sanctity, those few great ideas as to the dignity of human nature, and the sacredness of personality, and the indestructible rights of man as mere man, with which we had so gloriously identified the beginnings of our national existence. It did at last become very hard for us to listen each year to the preamble of the Declaration and still to remain the owners and users and catchers of slaves; still harder, to accept the doctrine that the righteousness and

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prosperity of slavery was to be accepted as the dominant policy of the nation. The logic of Calhoun was as flawless as usual, when he concluded that the chief obstruction in the way of his system was the preamble of the Declaration of Independence. Had it not been for the inviolable sacredness given by it to those sweeping aphorisms about the natural rights of man, it may be doubted whether Calhoun might not have won over an immense majority of the American people to the support of his compact and plausible scheme for making slavery the basis of the Republic. It was the preamble of the Declaration of Independence which elected Lincoln, which sent forth the Emancipation Proclamation, which gave victory to Grant, which ratified the Thirteenth Amendment.

We shall not here attempt to delineate the influence of this state paper upon mankind in general. Of course, the emergence of the American Republic as an imposing world-power is a phenomenon which has now for many years attracted the attention of the human race. Surely, no slight effect must have resulted from the fact that, among all civilized peoples, the one American document best known is the Declaration of Independence, * and that thus the spectacle of so vast and beneficent a political success has been everywhere associated with the assertion of the natural rights of man. "The doctrines it contained," says Buckle, "were not merely welcomed by a majority of the French nation, but even the government itself was unable to withstand the general feeling."† "Its effect in hastening the approach of the French Revolution . . . was indeed most remarkable."‡ Elsewhere, also, in many lands, among many peoples, it has been cited again and again as an inspiration to political courage, as a model for political conduct; and if, as the brilliant historian just alluded to has affirmed, "that noble Declaration. . . . ought to be hung up in the nursery of every king, and blazoned on the porch of every royal palace,"§ it is because it has become the classic statement of political truths which must at last abolish kings altogether, or else teach them to identify their existence with the dignity and happiness of human nature.

MOSES COIT TYLER.

* The editor of the latest edition of "*The Writings of Thomas Jefferson*," i., Introd. xxv., does not shrink from calling it "the paper which is probably the best known that ever came from the pen of an individual."

† "*History of Civilization in England*," 846.

‡ *Ibid.*, 847.

§ Buckle, "*History of Civilization in England*," 846.

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AFTER THE CORONATION AT MOSCOW.

BY KARL BLIND.

THE stiff Oriental and sacerdotal pomp of the protracted coronation ceremonies in Moscow is over. The sixteen hundred church-bells of that semi-Asiatic city no longer sound together in honor of the monarch who spent a million pounds sterling in hollow festivities. People naturally ask themselves now: What will be the future foreign and home policy of the young "Imperator"?

Under this title, Czar Nicholas II. has been crowned, or rather has crowned himself. As usual, we have heard once more on the present occasion, that Peter the Great for the first time assumed the Imperial dignity in 1721. This is an erroneous statement, however, though made by not a few distinguished historians, and repeated some years ago in Parliament by Lord Beaconsfield (then Mr. Disraeli) in one of his speeches on the Royal Titles bill. As a matter of fact, the title of "Emperor" was claimed and borne at the end of the sixteenth and the beginning of the seventeenth century by Muscovite rulers. This claim was connected with an old ambition of theirs towards the possession of Byzantium or Constantinople. Owing to the dynastic and civil wars which ravaged Russia after the death of the last descendant of Rurik, the Imperial title fell into disuse under the earlier monarchs of the new princely house of Romanoff. It was Peter I., called the Great, who resumed it in 1721. Before him, Michael Romanoff had declared himself "Autocrat of all the Russias." On this principle of arbitrary self-rule all his successors, male and female, have acted ever since.

As "Autocrat and Imperator," Nicholas II. has now been anointed, at the Cathedral of the Assumption, on the forehead, the eyelids, the nostrils, the lips, the ears, the breast, and the

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head, in accordance with the proper traditions of Holy Russia. With the chrism conferred upon him he has received what is called "the seal of the gift of the Holy Ghost," being thus endowed with a kind of divine grace and a supernatural sacramental character. It is true, this holy unction has not prevented many a predecessor of his from meeting with a tragic and ghastly fate. Hence the old saying that "a Czar walks with his father's murderers before, and his own murderers behind him."

The military measures taken at Moscow for the security of the Emperor were on so gigantic a scale as to show what apprehensions had been felt in high quarters in the midst of all the gorgeous festivities. An army large enough for a great power to begin a war of first-rate magnitude with was gathered about the ancient capital, albeit its citizens are the least inclined to political opposition. Nicholas II. is a very young man, just turned twenty-eight. His reign forms, as yet, a white, unwritten page. So, at least, those say who would fain still hope for liberal measures from him. His wife, Princess Alix of Hesse—who, however, according to strict Russian dynastic customs, had to change her name into Alexandra Feodorovna, and her religion from Protestantism to that of the orthodox Eastern Church—is held to be progressively inclined. Nevertheless, such an enormous mass of soldiers were ordered to Moscow as if a foreign invasion had to be repelled by superior force.

This fact is all the more extraordinary because of late the so-called "Nihilist" conspiracies have scarcely given any sign of life. The French Republic, thanks to the new alliance between the Phrygian cap and the knout, has done its best to make its soil insecure for those who fled from the tyranny of Czardom. Among Russian exiles living at Zurich, Geneva and Lausanne, spies have latterly been introduced even in the guise of alleged lady students of the same nationality. In England alone proscribed Russians are free, and in England, partly in consequence of their contact with the quiet operation of parliamentary institutions, partly on account of a change of feeling among the cultured classes of their own country, men like Stepniak, the author of "Underground Russia" and kindred works, who once had a hand in the fierce active fight against Autocracy by all available means of irregular warfare, have gradually ceased to be connected with the organization of so-called terroristic attempts. Their London monthly

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organ, *Free Russia*, shows how much they have moderated their demands. If the young Emperor would only consent to the introduction of some kind of representative Assembly, such as all European nations have, and as even the Sultan had adopted shortly before Turkey was beaten down by the armies of Alexander II., the reigning Czar would rally round him many who are at present his adversaries in what is believed to be the camp of the most extreme party.

I first met Stepniak years ago at the house of an English colonel. His profession of political faith then was that of a Republican, with strong Socialist tendencies. "Stepniak," meaning Son of the Steppe, was an assumed author's or pen-name. His real name was Kravtschinsky. He had, no doubt, dropped it on account of his former marked antecedents in what was usually called the "Nihilistic" propaganda.

That word, it may at once be explained, is a somewhat misleading one. It was conferred at first as a nickname. Afterwards it was adopted in a kind of dare-devil mood. It has covered ever since a great many varieties of political and social discontent, as well as of philosophical radicalism. There were "Nihilists" who, from the sheer hopelessness engendered by a tyranny lasting a thousand years, had come to cultivate a philosophy of despair, of disgust, and of destruction, without troubling themselves as to the constitution of the future. These were men that professed a wish to do away with all state organizations for the sake of a morbid individualism—in other words, anarchists. Others there were and are who inclined towards a socialist collectivism in a rather Utopian form. To these latter the name of Nihilist is certainly not applicable. But even men who would have been satisfied with a simple democratic—nay, with a representative—form of government under a kingly head, have often been most ignorantly dubbed Nihilists, simply because they were the resolute foes of autocratic Czardom.

On this point, Stepniak, who was personally in friendly relations with upholders of the Anarchist doctrine, such as Réclus, Krapotkin, and Malatesta, but who was far from sharing their views, wrote about two years ago :

"The so-called Nihilists are not Anarchists. Anarchy died in Russia as long ago as 1874 and was practically buried in 1877. For the last seventeen years there has not been a line published in the Anarchist interest by our

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clandestine press; not a declaration of Anarchist views has been made at any of the numerous political trials; not a single manifestation of the existence of that party has occurred within the dominions of the Czar. There are a few Russians who hold Anarchist opinions, but they either keep quiet or come abroad to join the international movement, for there is no field for their activity in their own country. *The Russian people are struggling to obtain a constitutional government, a national parliament, representative institutions.*"

For years Stepniak had repeatedly been one of the speakers on the platforms of London Socialists, who, it need not be said, are also opponents of Anarchism. Latterly, he became more and more moderate in his ideas and aims, so much so that his socialist friends occasionally were rather sore about it. In an interview with him he declared that it would be madness now to strike a blow in the old sense of the party of action. All efforts should be concentrated on getting a legislative assembly. When asked about details of the scheme he avowed that one would have to be content if a Chamber of Deputies were formed on the basis of household suffrage. When he was further asked: "But certainly you would not have an Upper House?" he answered: "Assuredly, we shall have one. At least, that is very possible!"

His interviewer, putting a question as to whether hereditary legislators were meant for the Upper House, Stepniak replied that there were "no men in Russia capable of being such authorities." There were large landowners, but no aristocracy possessing the same influence on the masses as in the United Kingdom. "We must, therefore, do as best we can with a Senate on the American model." To the question as to whether he would entrust the government of Russia to these two Chambers, he replied: "If Russia were as small as Great Britain, we would do so. But Russia is so large that its government must be a Federal one." In other words, he believed in the necessity of a number of Legislatures. At the same time, he distinctly acknowledged that in so compact and homogeneous a state as the United Kingdom of Great Britain and Ireland no home rule was required.

Shortly before his sudden death, Stepniak would have been satisfied with a Chamber possessing only a "consultative voice." I have gone into these details because among all Russian exiles he was the most prominent and the most active with his pen. His later views seemed to pave the way to a junction of liberal, democratic, and socialist forces. Up till then they were much

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estranged from each other, though all of them aimed at the abolition of the dreary system of oppression under which the more educated classes groan, and which prevents the intellectual standard of the peasantry—the immense mass of the Russian nation—being raised from its degraded condition.

The present time would certainly seem to be the psychological moment for a young monarch to lift the "intelligence" of the country—as the Russian phrase is for the best progressive element of the population—from the Slough of Despond into which it has fallen through hopes of amelioration being ever deferred. In the interest of the personal security of the wearer of the crown himself, it would be advisable to satisfy and quiet those aspirations by admitting their upholders to a share in the government. In a palace revolution Paul I., the mad tyrant, was battered down and strangled. During the reign of his son, Alexander I., who at first was expected to introduce constitutional rule, dangerous conspiracies became rife after it had been seen that he, too, continued the absolutistic system. Nicholas I. had to wade to the throne through blood in 1825, when the capital, as well as some parts of the South, had become the scene of military and popular risings in favor of a constitution. The very existence of the dynasty was, at that time, for several days in grave peril. Towards the conclusion of the Crimean war, Nicholas I. died in a somewhat mysterious manner. No sooner was his life extinct than in a number of Provincial Assemblies there were mutterings and even resolutions which Alexander II. would have done well not to ignore. He did ignore them. The end was that he, who had too long played fast and loose with those who had hoped for a constitution, was torn to pieces by a dynamite bomb. The ghastly event occurred on the very eve (that is, at any rate, the semi-official version) of his intended promulgation of a parliamentary scheme. His son, Alexander III., had practically to live the life of a prisoner, mostly at Gatshina, surrounded by every possible appliance for warding off the approach of assassins. When he ventured away, the railway lines being guarded all along by troops, he yet had to fear and to experience attempts at underground explosions. His life and his consort's life were in one instance most narrowly saved, but not without deep shock to the nervous systems of both. Might not all this have served as a lesson?

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As yet it has not. More than a year and a half has Nicholas II. reigned, and no improvement of any importance is visible even in matters not affecting the the autocratic tenure of power. As a Crown Prince he was believed to have a leaning towards progressive ideas, an attitude frequently assumed by heirs-apparent, and to be friendly towards Germany, in opposition to the policy of his father and mother. It was also bruited about that, on account of his former relations with a Polish lady, he would, on his accession, make notable concessions to the Poles and stop religious persecution. In the Baltic Provinces and in Finland it was thought that he would cease continuing those violent measures of Russification against his German and Finnish subjects, which his father had introduced.

None of these hopes was realized. Things went on as usual, or even in a worse manner. The very name of Dorpat—a German name—was taken away from the ancient Baltic town and university, and replaced by the Russian name of "Jurjew." Its university is being Russianized in its teaching staff, to the disgust of both professors and students. In religious affairs the influence of the hated reactionist, Mr. Pobedoniestcheff, remained paramount. Even the treatment of the Jews, which had aroused the indignation of the whole civilized world, at the time of Alexander III., was not altered very much for the better. When a summons was addressed to the representatives of the various religions to come to Moscow for the coronation ceremony, not only the Christian Churches, but also the Mohammedan and some pagan creeds, were included, but the Jews were pointedly left out. It is true this was also so under previous Czars. Only at the last moment, after bitter and satirical remarks had appeared in many foreign papers, this arrangement, by which more than five millions of the Czar's subjects were designedly insulted, was amended in the present case.

Immediately after the accession of Nicholas II., I had a personal experience of the mistrust which, in spite of the more liberal reputation that surrounded his name, existed as to the character of the coming reign. I had made an inquiry, shortly before the death of Alexander III., with regard to the supposed inclinations of his heir. My correspondent, living in a part of the empire which possesses special and somewhat freer institutions than the rest of it, sent me an extensive account—by no

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means of an unfavorable but rather of a moderately hopeful nature. When reading it I was somewhat puzzled at first. The whole was drawn up in such a way as to give the idea of the subject treated having not the slightest reference to political and imperial affairs, but rather to those of some private individual. However, not being unused to this sort of correspondence from olden times, I soon discovered the real meaning of the strange missive. Further news has been conveyed to me since, in the same extraordinary garb, but its contents gradually grew less and less hopeful as to the new ruler having any really liberal measures in view.

The Czar's manifesto, dealing with the remission of taxes and the mitigation of sentences pronounced upon prisoners or refugees convicted of common crimes or political deeds, has disappointed even those who had not indulged in over-great hopes. Measures of amnesty are always proclaimed at the accession or the coronation of a monarch. In the present instance the quality of mercy is exceedingly strained. The decree still leaves the political sufferers in Siberia—the victims, in many cases, of sheer administrative arbitrariness—in a most cruel condition. It does not make it possible for any noted Russian exile to return to his fatherland.

This forms a bad outlook. Such as human nature is, one cannot help thinking that, in course of time, the anger aroused by this merciless continuation of the old government practices and by the destruction of all hopes as regards the establishment of some kind of representative institutions, however moderate, will once more lead to violent acts of revenge and intimidation.

In foreign affairs the prospect is not more pleasing. The young Czar, when a Crown Prince, was supposed to entertain feelings of friendship for Germany. Since then he has married a German Princess. Yet the relations with France, which had been heralded in by the naval demonstrations at Cronstadt and Toulon, are still supposed to be such under his reign as to imbue the preachers of "revenge" at Paris with the idea that some day or other they might co-operate with the once hated Cossack. This certainly does not make for peace, nor, truth to say, for the security of the Republic. Men like Gambetta, in whom the Cæsarean vein was so strong, or General Boulanger, who was so near getting into supreme power, will always come up if the

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French nation is misled into the expectation of a fresh military adventure with a strong ally at its side. There is a new Orleanist Pretender now to the fore, and the Republic had better watch him.

Though the Russian government may be in no mood to begin a war for the sake of the beautiful eyes of France, or for the object of helping her to the recovery of Alsace-Lorraine, the mere fact of the closer relations between Paris and St. Petersburg perpetuates, and, so far as Germany, Austria, Hungary, and Italy are concerned, unfortunately necessitates, the increase of military and naval forces. It must be remembered that in Russia such increase is ordered by a stroke of the pen. In France all parties are agreed to vote anything government asks for in that direction almost without discussion. Heavy burdens are thus laid upon the populations of central and southern Europe, which are far less able to bear them than wealthier France or despotically governed Russia. Now, the never-ceasing accumulation of what in the end becomes really an easily inflammable material, constitutes a terrible peril both to the prosperity and the peace of the Continent.

The Czar is usually regarded as omnipotent in his vast Empire. Still, it stands to reason that he, too, like other arbitrary rulers, is dependent on court, military, and bureaucratic cliques which gain his ear. He cannot supervise, he cannot ordain, everything. No human frame could stand such strain. In foreign politics, more especially, the main lines of aggressive tendencies in Europe as well as in Asia have for a long time past been laid down under the predecessors of the present Autocrat. And he evidently means, or is made, to follow them, though as yet he has done so without an appeal to arms.

Constantinople and India are manifest aims and objects of Russian policy. Thanks to the imprudence with which Lord Salisbury allowed himself to be led into a trap, in the Armenian question, by Mr. de Nelidoff, the wily Russian ambassador at the Porte, England's old ally has come almost under the protection of the Czar. In the Balkan States, where Bulgaria formerly made a strong stand against Muscovite pretensions, Russia has evidently, since the assassination of Stambuloff, and since Prince Ferdinand's turn towards the Orthodox Church, recovered a good deal of ground. In Asia it has been the steady endeavor of

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Russian policy since Peter I. to come nearer and nearer to India. The so-called "Last Will of Peter the Great" is a proved forgery, but the ideas contained therein have mainly guided the course of the Czars for more than a century and a half. By force and fraud and false promises made to England, whenever a new attack was prepared against one of the Central Asian Khanates, Russia has made her way gradually through an immense stretch of territory from the Caspian Sea up to, and even beyond, the frontier of Afghanistan. Ever renewed breaches of the most solemn assurances—occasionally even given to Queen Victoria by a Czar "on the word of a gentlemen"—have been the regularly recurring incidents in these modern "Alexander Expeditions" towards India. For my part I believe that in India England acts the useful part of a guardian of peace between contending races and creeds, as well as a protector of the security of the country against possible attack from the north. She has, moreover, done away, by her legislation, with some of the worst abuses which were the outgrowth of Indian superstition. She has conferred upon multitudes of Indians the boon of a better system of instruction. She has recently made also some honorable efforts in the direction of popular self-rule within her Asiatic Empire. Let the hand of England be withdrawn, and to-morrow the bitter feuds of races and religions would throw India into a sad convulsion. Then, a despotic power, detested by the best intellects in all its own chief cities, would presently step in as a conqueror, with an oppressive military organization, with a host of semi-barbarous hordes as its retinue, and with an administration more corrupt than that of any Oriental tyranny. Could progress thus be furthered?

Yet is it not strange that a fellow-exile of Alexander Herzen—who himself was a preacher of the destiny of Russia to "regenerate the corrupt blood (!) of the Germano-Romanic world"—namely, Iwan Golowin, whom I knew personally years ago, should have written the following, in his "Russia under Alexander II." (Leipzig: 1870):

"Injustice towards a ruler who has so great a task, who bears so heavy a burden, as the Emperor of All the Russias, would be unpardonable, even for an exile . . . But even if I were to say that the Emperor Alexander II. had invented the gunpowder, it would not better my position. I may, at all

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events, write this: that he has only entered upon the footsteps of Alexander the Great as far as Samarcand, and that it remains reserved to Alexander IV. *to conquer India.*"

Since that was written Alexander III. has come and gone. Samarcand has long been passed. A new ruler is on the Russian throne, not called Alexander IV., but Nicholas II. That, however, as the French saying is, is merely a detail. Nay, the Russian approach to India has since then been effected also from the Pamir side; and England has not dared to offer any opposition. In vain have there been warnings, for many years, by men who have studied the state of affairs most intimately, such as Sir Henry Rawlinson, Colonel Malleson ("*The Russo-Afghan Question, and the Invasion of India*"), Mr. Charles Marvin, and others. On their part, the most prominent Liberal and Conservative statesmen of England have too often sneered at far-seeing and monitory counsels by speaking airily of "that standing hobgoblin of Russia," "that political nightmare," "that terror of old women," and so forth; meaning the possibility of a close approach to, and a final invasion of, India by the Muscovite Power. One of those statesmen, years ago, satirized the warners by telling them to "buy very large maps, in order to see how far Russia still is from the Indian frontier." To-day he could not repeat that exploded fallacy.

At Constantinople and at Sofia, at Paris and at Pekin, the influence of Russia has latterly made itself felt. The relations she has now with Turkey and China are a distinct damage to the prestige of England. Even the more or less underhand, but very persistent, opposition offered by France to the maintenance of the English occupation of Egypt, has a kind of reserve support now at St. Petersburg. Time will show that, in the East, Russia and England cannot play the part of two kings at Brentford, smelling at one rose. Yet there are English Liberals who have become untrue to the traditions of their party in foreign affairs; misguided Conservatives who have not seen, and will not see, the real aim of Russian policy in the East; and, last but not least, ritualistic High Churchmen who dream of a "unification" of the Russian Orthodox and the Roman Catholic Churches with their own: all of these parties constituting, so to say, a triple parallelogram of forces in favor of Muscovite aggrandizement. Thus the trend of the situation is towards the

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very brink of a great danger, and those who do not live politically from hand to mouth are anxiously watching the signs at the horizon.

KARL BLIND.

Postscript.—On the day after the above had been sent off there came from Moscow the news of the terrible disaster which marred the coronation festivities by a loss of life equal to that of a great battle.

To those who study with an unbiased mind the reports of the ghastly Moscow "crush" and "rout," there is something unspeakably painful in the description of the brutishness and the callousness of the masses of besotted *mujiks*, who, for the sake of a tinsel cup, a sausage, a piece of bread, and a few sweetmeats, trampled each other to death in their hundred-thousands; the survivors coming afterwards back, in the most unconcerned manner, to continue enjoying the sorry amusements offered to them, while heaps of disfigured corpses were still lying about. Next to the horrors of this spectacle of inhumanity, the foreign observer notes the shocking contrast of the uninterrupted festivities at court. Nor can he help being disgusted by the heartless way in which the Moscow journals were made, evidently by government order, to restrict their report of the unparalleled event to a hundred words, couched in the coldest language, without a syllable of sympathetic commiseration.

The barbarousness of the condition of Russia, in spite of the outward glitter of pompous ceremonies, is thus brought home to the slowest understanding. It would be a fortunate day for a nation whose peasantry is so degraded, and whose educated classes are disinherited from all legislative representation, if at last a beginning were made with home reforms in a parliamentary sense, instead of the energy of the country being incessantly used for new territorial conquests and a policy of aggression which in the end may lead to one of those tremendous and sudden collapses not infrequent in Muscovite history. Thousands have, this time, "died for the Czar." Let Nicholas II. beware lest, by persisting in the autocratic course of his namesake and his predecessors, he should bring danger upon the unwieldy empire and provoke for himself the fate of Alexander II.

K. B.

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SOME INTERNATIONAL DELUSIONS.

BY THE REV. FRANCIS E. CLARK, D.D., PRESIDENT OF THE UNITED SOCIETY OF CHRISTIAN ENDEAVOR.

IN a peculiarly leisurely fashion the steamers of the *Messageries Maritimes* go circling around the Mediterranean coast from Alexandria to Constantinople, forming numberless little loops as they stop by day to discharge their cargo at some insignificant port, and then sail on when evening comes to the next place of call.

Among my fellow-passengers recently on one of these good but very slow ships, the "Irrawadie," was a little curly-haired English boy, who had evidently been brought up in the strictest sect of the aristocracy—an embryonic Englishman of the Englishmen.

"Do you speak French, little boy?" said a good lady to him, who was trying to scrape acquaintance with the youthful Briton.

"Oh, naow," said the little chap.

"Do you speak American," then asked the lady.

"Oh, naow," he replied with a still stronger emphasis.

"But wouldn't you like to learn American?" persisted the lady.

"Oh, naow, thanks," answered this sturdy little patriot. "It is very, very nahsty to speak American."

The verdict of this terrible infant is the one that would, very likely, be given by many Englishmen and English women of a larger growth. It is taken for granted by a great number of otherwise most intelligent and respectable citizens of the mother country, without any special investigation of what it is to "speak American" or "act American," that it is a "very, very nahsty thing" to do. And it is only fair to say that there is a large class

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of Anglophobists on this side of the briny Atlantic who have just as little conception of what it is to speak or act like a cultivated Englishman, and who from the same insufficient data regard it as exceedingly "nahsty," or, as the feminine American adjective would have it, "very horrid."

Little matters of accent and pronunciation too often obscure real kinship and account for many of the lesser delusions.

When in Australia recently I was reminded more than once that my own vernacular bore a remarkable resemblance to the common manner of speech in the English colonies, and I was frequently complimented with the rather faint praise that my audience would "scarcely know that I was an American."

Evidently some of my auditors expected to hear a mixture of the Ojibway, Cherokee, and Micmac dialects, and were scarcely prepared for even a superficial acquaintance with Johnson and Addison.

At the same time my national pride is humbled by remembering that since returning to America I have been asked more than once: "What language do the people of Australia speak?" "Are they all black fellows, or are there some white men among them?"

Even in England, incredible as it may seem, I have had such questions put to me concerning the people of this greatest appanage of the British crown.

While attending a meeting in an English city, a Yorkshireman with a very broad accent, who remarked that he had "coomed all the way from Southern Yorkshire to attend this meeting," made fun of a young American girl from Philadelphia, who remarked that she was "vary glad to be among her English friends." It seemed excruciatingly funny to him that she should say "văry," but there was nothing remarkable in his estimation in the fact that he himself had "coomed" from Yorkshire.

A speaker who followed me at a social gathering in Sydney, New South Wales, remarked by way of good-natured badinage that he should know that I was an American from the way in which I pronounced the word "America." "All you Americans," he went on to say, generalizing very largely, as such speakers are apt to do, "call it 'Murica,' while we Australians speak of the great continent which Columbus discovered as America." The temptation was too great to resist, so, when my turn

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came again at this same unconventional gathering, I remarked, that, if I was known by my pronunciation of the name of my native country, I should also suspect, wherever I might hear my Sydney friend make an address, that he belonged to the great Island Continent which lies under the Southern Cross; for while we Americans follow Webster and Worcester and Johnson and every other lexicographer in saying "Australia," he put in several additional letters which were not absolutely necessary and called it "Aoustrailia," and that I had noticed that many of my friends in that magnificent capital of the Southern Seas out-English the English themselves in their Cockney pronunciation, since I was frequently asked when I came down to the breakfast table: "How I found myself to-dye, and whether I would like to see the morning paiper?"

In fact, after returning to my native heath from the mother country or any of her colonies, I always feel like remarking, with a famous temperance lecturer who has recently returned from England, that "I have come back with my American accent undenasalized."

But there are other popular delusions which are more vexatious than those which relate to speech or accent. The idea prevails, I have found, very generally in the Old World that all American young people are bold and forward and brassy; that if there is a modest one among them all he is a strange exception, a genuine *lusus naturæ*.

I was gravely informed by a good friend in Australia who thought he knew all about it that he understood that all American girls on the street and in the cars, as well as at home, were constantly chewing gum and expectorating vigorously in every direction.

When I diffidently informed him that I was acquainted with a good many American girls, and that I had yet to see the first one who answered his description of a genuine American damsel, he seemed to think, though he was too polite to say so directly, that I had scarcely kept my eyes open in my own land, or else that I had been blinded by prejudice.

The climate of America also comes in for many maledictions from our friends on the other side of the ocean. In this respect we probably have the worst reputation of any nation on the face of the earth, especially among our forebears in the mother coun-

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try. I have no doubt that the dread of the "awfully hot weather," which the English expect to experience in America, deters hundreds, if not thousands, every year from taking the trip across the Atlantic.

At the same time, it must be said in all fairness that our popular conception of English weather, as a dreary mixture of raw winds, penetrating fogs and ceaseless pattering raindrops, is scarcely nearer the truth than the Englishman's opinion of the temperature of America.

"Do you really think that we shall be able to stand your weather without very serious consequences to our health?" was the almost pathetic question of a stout Englishman to me as we neared New York on my last return to America. He looked vigorous enough to shovel coal all day long in a stokehole, or to be an attendant in a Turkish bath, without suffering any serious consequences, but he evidently was in a state of great mental perturbation concerning the awful summer of which he had read and heard so much.

Another cause for alarm among our trans-Atlantic cousins is the dreadful Jersey mosquito. He has been exaggerated by the fears of our friends out of all proportion to fact; and the old threadbare joke, which has such a woodsy flavor of last year's chestnuts about it, to the effect "that the mosquitoes in this country are so large that many of them would weigh a pound, and that they sit on the trees and bark as the people go by," is evidently accepted by many across the seas with only a few grains of salt. "Be sure that you put your petticoat over your head," an Englishman in the steerage said to a female passenger on the voyage to which I have alluded, "when you go ashore at Jersey City, for they do say that the mosquitoes are something terrible, and that they do bite awful."

How much of this ungrammatical warning was humorous and how much serious it was difficult to determine, but it was evidently, in the mind of the one who gave it, "founded on fact," as the short story writers would say.

Many of these extraordinary popular delusions are directly traceable to ignorance and lack of the commonest information concerning America and Americans.

When dining with an Australian friend not many months since I was informed that he had seen in his morning paper a

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statement to the effect that there had been a great fire in America. "What city is burned up now?" we said to him, in some alarm. "I can't remember just the place," he replied, "but I think it was Idaho." Our fears were somewhat relieved, for we felt that there might be a considerable fire somewhere among the tens of thousands of square miles of that vast territory without greatly endangering the welfare of the American Republic.

When we get into some of the Eastern countries, of course we find ignorance far more dense and crass than among those who speak our common mother tongue. In Turkey, for instance, one of our missionaries was recently asked in all seriousness whether "America was on a hill or in a valley?" Such hopeless density it is scarcely worth while to attempt to enlighten.

But while we smile at the lack of information exhibited by our cousins across the seas concerning matters that are as familiar as A B C to us, it is not at all improbable that some of us live in a vitreous tenement ourselves. How many bright American youth, who are fresh from their geographies, could name the different counties of England; or could tell whether Leeds and Birmingham were in York or Lincolnshire, Herts, or Kent? Yet very likely these same youth would laugh long and loud if an English cousin should locate Boston in Missouri, or St. Louis in Texas.

When we reach the Antipodes many Americans carry a still more startling and varied stock of misinformation. How many realize that it is a five days' journey across the channel that separates New Zealand from Australia, the two great islands of the Australasian Empire? How many know much about the political situation of Victoria and New South Wales, of Queensland and South Australia? How many can locate the Banda Sea or the Sulu Sea, or tell where the placid waters of the Celebes Sea bask under the torrid rays of the equator? How many realize that it is a railway journey of two thousand miles between Adelaide and Brisbane, and that this little strip of coast constitutes largely the inhabited portion of the Island Continent?

The chief source of these popular delusions is the daily newspapers, on both sides of the Atlantic and Pacific, which cater for the sensational public, who are not content without their horrid list of murders and divorces and railway accidents daily; who

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would feel defrauded, as if they had invested two cents in vain, if they did not find in the *Daily Stabber* and the *Morning Sewer* the account of some blood-curdling crime or fearful accident.

Even the most respectable papers seem to find room in their foreign columns chiefly for startling crimes or awful accidents. If a fire-damp chokes a hundred men, if in a railroad accident fifty people "rush into eternity," if a dreadful murder shocks the moral sentiments of five continents, these matters are presented to the public with the abundant emphasis of scare-heads and leaded columns. But the great movements in the political, religious, social, and scientific worlds very slowly find their way into the papers of other lands.

Picking up a London paper once when in England (it was no other than "The Thunderer" itself), the only paragraph of American news which I could find in any part of the voluminous blanket was a statement to the effect that a man had been arrested in Boston for kissing his wife upon the street. Of course, as might be expected, this was a newspaper "fake" which some humorous reporter, for the lack of anything better, had inserted in some American paper. But this was the only piece of news which it had been thought worth while that day to cable under the seas to this great metropolitan journal.

Many an English and Australian friend has said to me: "I should think you would be afraid to travel in America; you always seem to be having such dreadful railway accidents. We scarcely take up a paper without seeing an account of some new horror." Alas, that it cannot be said that the frequency of railroad horrors is a popular delusion, but the fears of my friend were largely exaggerated, because the papers he saw gave him very little else than these accounts of direful railway accidents and other disasters. When I informed him that I had travelled many tens of thousands of miles without meeting a serious mishap or ever being held up by highwaymen, it almost passed his comprehension, and he made up his mind that either the papers which he habitually read or myself had been drawing a long bow.

One of these same friends who entertained these fears, I regret to say, being somewhat soothed by my favorable account of railway travel in the United States, ventured across the Atlantic and

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even visited the World's Fair in Chicago. Alas for his temerity! For in the very heart of this land of the free his train was stopped by "road agents," its express car was rifled of its contents and the robbers got off with their booty scot free. What realistic accounts he must have carried home, and how he will corroborate every account of robbery and disaster which he sees in the London papers!

Even such a well-informed paper as *Galignani's Messenger* often contains practical slanders of American public life: not because the individual incidents recorded are not true for the most part, but because they are out of all proportion to other matters of news. The little crime is exaggerated and the great virtue is relegated to an obscure corner, and to small type at that. Last summer that paper contained the announcement that the sentiment against lynching for minor crimes was "beginning to make itself felt to some extent" in America. When one remembers how these horrid outrages are denounced and loathed by the respectable people of America, North and South alike, it makes one's blood hot to read such cold-blooded misrepresentations.

But again it must be confessed that these popular delusions are due quite as much to our own exceedingly sensational newspapers as to anything that is printed in the lands across the seas. The headlines of our average daily, whenever they are read by the people of other lands, would be regarded as proof positive of the worst that can be said concerning the awful state of social life in America. To peruse these papers for a single week would naturally convince any foreigner that America was largely inhabited by thugs and murderers and divorced women and railroad wreckers, while the few who could not be classed in these categories would stand in imminent danger of their lives from some social upheaval or war of the natural elements. The craving for sensations on the part of many of our penny dreadfuls, miscalled newspapers, accounts very largely for these extraordinary and most unpleasant popular delusions concerning America and Americans.

On this side of the Atlantic too, as I before intimated, we are by no means free from our delusions concerning our friends across the waters. We have the general impression that the "Britisher" is a rude and pompous and overbearing man, carrying out in every inch of his stalwart frame the caricature

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with which we are so familiar when he is contrasted with tall and lanky Brother Jonathan in our comic newspapers.

The typical John Bull in the eyes of many Americans is this rough and unpleasant creature, whose very name suggests that it is exceedingly dangerous for us to have him in the china-shop of our American feelings and peculiarities. And yet there is probably no part of the world where there is more genuine politeness, or more of that sincere heartiness of character from which all genuine politeness must spring, than in that same Kingdom of Great Britain and Ireland.

That which passes for rudeness in the eyes of the over-sensitive American is often a species of plain-spoken sincerity, combined with a perfectly unconscious assumption that nothing can be quite so good as that which is marked with the British label. In fact, so completely has the Englishman taken this for granted, so entirely beyond all dispute does he regard it, that the most unpleasant characteristic of English life springs from this source. "You speak quite like an Englishman and not like an American at all," was a frequent compliment which I have received, and which I accepted usually with as good grace as possible, though I sometimes made bold to reply: "I speak quite like an American, my good friend, and I should regard it as a good deal more of a compliment if you put it in that way." But this form of kindly commendation which frequently grated on my nerves was simply due to the fact that nothing was considered quite the acme of praise which did not compare the object complimented with the English standard.

I have heard in America very much about British stolidity and undemonstrativeness. This, too, is a very extraordinary popular delusion, for if there is a demonstrative and exuberant people on the face of the earth it is these British brethren of ours. In their public meetings and conventions, whether religious or secular, the speaker is never in doubt concerning their attitude toward him or the questions which he is discussing. Their encouraging "Hear, hear!" ("Yere, yere!" you must call it, if you would be thoroughly *au fait*), their ironical "Oh, oh!" their hearty applause, and the occasional hiss if the sentiments of the speaker do not accord with their views, make it a far more lively and interesting performance to speak to an English audience than to address an assemblage of Yankees,

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who always seem to feel that it is a solemn and serious occasion, no matter what the subject of the discourse may be. In Yankeeland the speaker's poor jokes and witticisms and strenuous efforts at pathos or impressiveness are alike unreflected from the impassive countenances of the audience.

The most serious count against these popular misapprehensions is that, while insignificant in themselves, they are really important in preventing the advent of the era of good feeling for which every lover of his fellow men should hope and pray. It is a crying shame that the descendants of the Normans and Saxons and Danes, who have gone out into all the world to found new empires and to people new continents, should know so little of each other, and should often be so wrapped up in their insular or continental prejudices as to hug these popular delusions to their hearts as treasured traditions.

If the peoples of England, America, and Australia knew more of each other, they would love each other far more. International misunderstandings of any serious character would be almost impossible, and war between the peoples who speak the language of Shakespeare would be an undreamed of possibility. English arrogance and American spread-eagleism and Australian provincialism would each receive a deadly blow, if the great branches of the English race but knew each other better, and these extraordinary international delusions would take to themselves wings and fly away.

FRANCIS E. CLARK.

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THE STEPCHILD OF THE REPUBLIC.

BY WILLIAM E. SMYTHE.

THE arid region of the United States is a stupendous public property. It is the heritage of the next generation of American citizens. To conquer and subdue it to the uses of civilization will be one of the mighty tasks of the twentieth century. What Africa is to the nations of Europe, Arid America is to the people of the United States—a vast, virgin field which lies open to industrial conquest—the natural outlet for surplus people and capital accumulated in more than two centuries of prosperity.

It is not easy to convey, in a paragraph or a page, a true impression of the size and character of the arid public domain. No other part of this country has been so deeply misunderstood. It has been misunderstood alike from the standpoints of industry and of society, of ethics, and of politics. Nature has written her story upon our arid lands in characters not easily legible to Anglo-Saxon eyes. But it is impossible to comprehend the brood of Western problems involved in any true policy for Arid America without considering at least an outline of certain large facts.

One-third of the total area of the United States is arid, which to the popular imagination means "worthless." And six hundred million acres of this enormous district is still public land over which the authority of the American people is supreme. It is not strange that it is widely believed that this tremendous national possession is almost a misfortune. The region presents an outward aspect totally different from that of the Atlantic seaboard, or from that of the section lying between the Lakes and the Gulf, or from that of the Mississippi basin—which were occupied in three successive eras of settlement without making any peculiar demands upon the knowledge and ingenuity of a race

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familiar with European conditions. It is not strange that a people reared in a different environment should think that aridity is a curse, though it is really a blessing; or that the arid region can sustain no important population, though it is fit to support a nation of one hundred millions; or that it cannot develop high forms of industry and society, though it is unquestionably destined to be the seat of a superior civilization. It is a perfectly natural human weakness to imagine that whatever is strange in the face of a country is bad, and that whatever is new and different in the fundamental processes of such an industry as agriculture, for instance, is crude and undesirable.

The word "irrigation," though it relates exclusively to water, is one of the driest words in the English language to those who understand it vaguely as importing a makeshift to remedy the shortcomings of the weather clerk. But irrigation is the foundation of civilization in arid countries. It is yet to become one of the most eloquent and fateful words to the American people. It moulds industry and society into new shapes. It will have much to do with the form and color of political and ethical standards in half a continent. The settler who made a clearing in the Massachusetts forest, or turned the prairie sod in Illinois, proceeded quite independently of his neighbor, and from this original germ of our Eastern population grew the strong individualism which characterizes our dominant commercial spirit. The settler in arid lands cannot grow the first potato, nor the first rose-bush, until he has associated himself with his fellows in the building of an irrigation canal. From this new germ we are to have, and are already having, a strange and hopeful plant which will give different characteristics to the industrial and social fabric of the Far West. What independence these conditions confer upon agriculture; how they regulate the size of the farm unit; how they lead inevitably to the evolution of new principles of commercial association; how they revolutionize the social character of both rural and urban communities—we may learn from the experience of the Mormon commonwealth in Utah, from the institutions in Colorado founded at the instance of Horace Greeley, and from the wonderful conquests over the desert accomplished in California during the last twenty years. What influences these conditions will finally project into the larger fields of

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morals and politics, and how these influences will affect the destiny of the American people, are interesting subjects for speculation. It is sufficient for the present purpose to direct attention briefly to these facts and tendencies, to say that a great percentage of the American people will some time live in the arid region, and that the time has come when the nation should have at least the beginnings of a statesmanlike policy to apply to the problems of the vast material heritage that awaits her children.

The present national policy in the arid region is utterly unworthy of the occasion and the opportunity. It is not a policy at all, but a chaos of antiquated and outgrown land laws originally made for a humid region and bodily transferred to a country where natural conditions are precisely reversed. The legislation which suited the public lands of Ohio and Illinois is as useful and sensible in Idaho and California as ice-making machines would be in Greenland. In our profound and well-nigh incorrigible ignorance of our own country and its problems, we are doing unspeakable injustice to the most promising part of the United States, and deliberately saddling incalculable hardship and misery upon future generations. It is when the great West contemplates this wanton neglect of her needs that she sometimes feels that she is the stepchild of the Republic. For she is compelled to wear her sister's cast-off garments regardless of fit or appearance, and regardless of their adaptability to the peculiar conditions of the climate.

The Homestead Law is a misnomer in the arid region. It bids the citizen to go out and maintain himself for a certain period on land which, in spite of its incomparable fertility, can scarcely maintain a prairie dog or a rabbit until it has been artificially watered. The Desert Land Law is even more cruel and grotesque, because it not only bids the citizen to make a home, but to turn the course of a river, and so furnish himself with a complete system of irrigation before he can acquire title. The first law assumes that the new settler can live on climate and sagebrush. The second law assumes that he possesses a cash capital sufficient to start a national bank. Both laws would be jokes if they were not calamities. It is unquestionably true that this legislation was enacted in good faith, and supposedly in the interest of the settler, by the large majority of those whose votes put it upon the

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statute book. But it was born of ignorance, and the time has come when it should die of enlightenment. The arid region is now needed as an outlet for a redundant and increasing population. Its potentialities have been demonstrated in a hundred valleys, and there is no longer excuse for delaying the formulation of a policy adapted to the peculiar condition of nearly half of the continent and quite one-third of the United States. The fact that some progress has been made under present laws is due to the supreme attractions of the arid region and to the absolute necessity of a little agriculture to feed other industries. But there can be no great development until the whole system of legislation and administration, as applied to Western resources, is radically reformed. The land laws as they stand to-day make perjury and fraud almost indispensable conditions of progress, or they prohibit progress altogether.

It is true that the Mormons in Utah have had no trouble in building irrigation canals and acquiring lands under the Homestead and Desert Land Laws. This is explained by the fact that with them the church was practically the state; and, so far as purely industrial and commercial affairs are concerned, the Mormon church has been a kind and considerate mother to her children. In their matters of irrigation and settlement, the Mormons have had state control to the verge of socialism. It is also true that in many other parts of the arid region, in narrow valleys where conditions are particularly favorable, farmers have combined their labor and constructed works to water their lands so that they could acquire them in perfect conformity to the law. But the arid lands lie mostly in broad deserts. These can only be reclaimed by costly works. If reclamation is attempted without the absolute control of the land, the capital is almost sure to be lost. Hence, when private individuals or companies build such works they generally seek to obtain control of the land. This can only be done by having "dummies" enter the land under the law, and then transfer it to the company. Land which has been reclaimed by this method cannot be had at government prices and is no longer public land open to entry by citizens. The public land and the public water have been acquired for speculative purposes, and the heritage which Congress intended for the homeseeker is private property, which can only be obtained by the payment of such prices as the private owner

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chooses to put upon it. But that is not the worst. In appropriating the water of the public stream, and uniting it with the public land, and then transforming both into the assets of a private speculation, the irrigation company has perfected a new and dangerous monopoly to which the citizen and his descendants are expected to pay tribute, in the form of annual water rental, forever and forever. This is the practical operation of our present land laws. It impoverishes the nation without enriching the investor; for the people will seldom pay the high prices demanded, nor will they live in peace with the water-lord when they have become his subjects. The whole system is a scandal and a disgrace to the American name. It is not worthy to be compared with the system which existed in China and Egypt a thousand years before this continent was discovered.

Our present methods are no better adapted to the requirements of forest and pasturage lands, nor to those of interstate and international rivers, than to the irrigable domain. Our so-called policy of forest "reservations" is a mockery. It is a reservation which does not reserve. It is a name without the faintest semblance of force behind it. The forests are precious not only for timber, but yet more in their relation to the water supply. They are nature's storage reservoirs. In permitting them to be wantonly destroyed by fire and axe we are devastating great and potentially fruitful valleys for all time. Men who would scorn to steal an armful of sticks from their neighbor's wood pile do not hesitate to commit wholesale larceny upon the nation's forests. But the firebrand is worse than the thief, and our present laws and administrative system, if it can be dignified by the phrase, are perfectly impotent in the presence of both.

Much the larger portion of the public domain consists of grazing lands. These we treat as a public common. Here the Indian has been succeeded by white men more savage than he. Sheep-men and cattle-men struggle for supremacy, fighting and shedding blood in the never-ending contest for possession of property which belongs to neither. The troops are ordered out occasionally to separate the combatants, but when this has been temporarily accomplished the beneficent nation rests from its labors. In the absence of any scientific determination of the boundary between irrigable and grazing lands, the settlers and the stockmen settle it among themselves according to the relative

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amount of their ammunition. In the meantime, we are industriously engaged in civilizing harmless Indians.

Our present laws make no provision for the division and control of interstate and international waters. The condition of the arid region in this respect is little less than pitiable. But the entanglements and dispute which have thus far arisen from this source are as nothing to the troubles which will arise in the future not only between states, but between nations as well. The most grievous instances at present are concerned with the waters of the Arkansas, the Rio Grande, and the Platte. Colorado claims the right under her Constitution to use every drop of water that falls upon her soil. In utilizing this right, she deprives portions of Kansas and New Mexico of water which has flowed through their territory in natural channels for ages. New Mexico, in her turn, perpetrates a similar injury upon old Mexico, our sister republic on the south. In several instances costly irrigation works in the lower states have been rendered utterly worthless, while large tracts of land which could be made fruitful remain uncultivated because deprived of their natural water supply. It is startling to contemplate the ultimate extent of the troubles which may arise over the control and distribution of interstate waters. A few years ago an engineering genius made a map of Arid America as it would appear if States had been laid out in accordance with the watershed. He found it was very feasible indeed to reconstruct the entire political system of the West—on paper—in a way which would forever dispose of the knotty problem of conflicting rights to interstate streams. But he discovered that a scientific division of this sort would make twenty-six states out of the present fourteen states and three territories. The objection to the influx of twenty-four new Western senators, to say nothing of the social, commercial, and political disarrangement in a local way, would, of course, be fatal to such a solution of the problem, if seriously proposed. But the dangers of civil and economic conflict involved in the present situation is one of the strongest arguments in favor of the adoption of an enlightened national policy.

What policy has been proposed as a substitute for the present chaos of laws and impotence of administration in the arid region? But one solution has been offered with the slightest prospect of success. This is the cession of all the arid lands,

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except mineral lands, to the states in which they lie. This plan has been repeatedly indorsed by the trans-Mississippi Congress and other Western bodies. But many who have favored it in the past now gravely hesitate to press the proposition at a time when it apparently has the support of the national administration and many powerful newspapers. The truth is that the plan of cession has been the policy of desperation. When Western men have seen, on one hand, the utter imbecility of present laws, and, on the other, the stolid indifference of the East to the needs of intelligent legislation, they have cried in despair: "Turn the lands over to us and we will solve our own problems." And the ready response of many Eastern public men and newspapers has been: "Take your worthless lands and give the country a rest." But against the plan of cession there has always been a protesting minority in the West which has not dared to trust to the wisdom and integrity of the States in a matter involving public property which represents a potential value of billions of dollars. This minority has also insisted that the problems of the arid region are national in their essence, and involve so many questions which transcend the boundaries of States that nothing less than the federal power itself can deal with them satisfactorily. Even the advocates of cession have conceded that the true statesmanlike solution would be a great national policy, under which federal authority should be associated with the powers of the several States in adjusting the intricate questions at issue and in making homes for millions of American citizens.

During the past two years events have occurred which put a new face on the whole question. These events are the passage by Congress of the "Carey law," donating to each of the desert States one million acres of arid land under certain conditions; and, second, the evident and gratifying growth of popular interest in Arid America and its institutions on the part of the country at large. Senator Carey's bill was a very happy inspiration. It satisfied those who had faith in the plan of cession without alarming those who were afraid of the plan. One million acres are a very small drop out of a very large bucket, and yet this grant suffices as a means of showing what the States can do for themselves. It leaves unsettled the question of the forests, of the grazing lands, and of interstate streams; but it furnishes a substitute for the Homestead and Desert Land laws and an

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ample outlet to accommodate the present demands of surplus population. The Carey law was enacted in August, 1894, and formally accepted by the States of Wyoming, Colorado, Idaho, Washington, Montana, and Nevada during the legislative sessions of 1895. And the laws which the States enacted in connection with the acceptance of the grant were for the most part such as to justify the confidence of those who had believed in the ability and honesty of the State governments. These laws generally provided for State engineering departments to develop scientific plans of reclamation; for fixing the maximum price at which lands could be sold; and, most important and hopeful of all, for the transfer of the irrigation works to the landowners as fast as districts are settled. Much work is being done under the "Carey law" and the only complaint which has arisen under it is of restrictions which make it difficult to use the lands as the basis of securities issued for the purpose of raising money to construct works. The issue of such securities is not inconsistent with the spirit of the law and ought not to be with its letter. The remedy is to make the cession of the million acres absolute rather than conditional. The State should be trusted with full responsibility in connection with this comparatively small amount of land. In no other way is it possible to make the law a real test of the principle involved.

But although the Carey law has relieved the situation, it has not cured it. The true interest of the arid region and of the nation demands the application of a comprehensive policy, based on scientific and practical knowledge of all the diverse interests involved in these Western problems. Such a policy cannot be framed in a day or a year. But there are three steps which might be taken without delay, and which would prevent the further dissipation of national resources, while providing means toward a final solution. These steps are as follows:

1. Make the donation of one million acres to each of the States absolute and unconditional, so that the policy of State control of irrigable lands may be fairly tested.

2. Repeal the Homestead and Desert Land laws, and thus prevent the further acquirement of public lands for private speculation.

3. Appoint a National Irrigation Commission, composed of men especially fitted by training and experience for the under-

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taking, and charge this commission with the work of studying the whole problem of the arid region, including forests, pasturage and agricultural lands, interstate and international streams. Let this commission consider how far the nation must co-operate with the States in developing the great public property represented by the arid region, and in making it the basis for the future settlement of millions of American citizens, and the seat of a wonderful industrial and social life.

The lands granted to the States under the Carey law will furnish an ample outlet for surplus population for the next five years. And, if this period is wisely used for the investigation and discussion of future policies, the dawn of the twentieth century will find Arid America in a position to sustain its part in the future growth of the United States. It is difficult to conceive of a single worthy objection to the moderate programme involved in the steps suggested. It calls for no large expenditure; it does no injustice to settler or investor; it does not plunge the nation into any headlong course from which it cannot retreat. It merely recognizes the existence of a rising national problem, and looks to its solution in time to meet the national need. It is such a plan as foreign statesmen have applied repeatedly and successfully when they have been dealing with undeveloped resources of vast ultimate value and importance.

It has been the fashion of certain Eastern newspapers to dispose of our great Western States and Territories with a sneer. Though these contain larger populations than did most Eastern States at the time of their admission to the Union, they are condemned as "rotten boroughs." Though the wealth of their natural resources is as ten to one compared with most Eastern States, they are treated as if they had no capabilities of future growth. The truth is that the most conservative authorities agree that Arid America can readily sustain as many people as now live in the entire Republic. But this mighty section is helplessly bound by a legacy of incongruous laws. The newspapers which assail and criticise it do nothing to assist in relieving it of its incubus. If half the energy used in criticism and arraignment were expanded in a generous effort to solve the problems of the West, several of the stock political epithets of the time would speedily become obsolete. It would seem as if the resources of our own country ought to be at least as interesting to

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our own people as the shadowy issues of Venezuela, South Africa, and the North Pole. But they receive far less attention in Congress, in the newspapers, and in the magazines.

The seventeen splendid States and Territories of the arid region should no longer be treated as step-children of the Republic. They are legitimate and self-respecting offspring of the mother nation—as much as Massachusetts, or New York, or Pennsylvania. They will do their equal share to earn the family living and to glorify the family name. Nature planned them on nobler lines than most of their elder sisters. All they require is a little intelligent attention and a little genuine good will. If this can be given before it is too late, Arid America will become *the most hopeful and interesting ground in the United States* during the next century. No fairer opportunity for material conquest awaits any other nation, or any other part of the world.

WILLIAM E. SMYTHE.

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A COMMON COINAGE FOR ALL NATIONS.

BY THE HON. CHARLES W. STONE.

STEAM and electricity have largely removed the barriers of time and space which separate nations. As the facilities for easy and rapid communication increase, the relations of different nations become more intimate, their commercial transactions with each other multiply, and the solidarity of the interests of all becomes more evident. Co-operation and reciprocal aid between nations by treaty covenants, by international conventions and conferences, by postal, telegraphic, and other unions, have with each passing year brought the nations of the world closer together. Laws are assimilated, customs are changed, and we are rapidly realizing the wisdom of the great Napoleon's declaration at St. Helena that what the world needs is "a common law, a common measure, and a common money."

A "common law" can never fully reach down to local regulation and restraint while nations remain independent, but increasing knowledge of each other and the more cordial relations that come with easier, quicker, and more frequent communication will constantly tend to uniformity; and, above all, a common law applicable to nations as to individuals, a perfected and enlarged international law declared and administered by a great international court of arbitration, enforced by the compact of nations, which shall end wars and rumors of wars and usher in the era of universal peace, is also a dream of the philanthropist that may yet be realized.

A "common measure" has already spread over most of the civilized world, and the probable adoption of the metric system of weights and measures in the near future by the United States, Great Britain, and Russia will make that system universal and save

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much of the friction and loss which have heretofore been the outcome of diverse systems.

A "common money," the means and measure of every exchange and business transaction, is still unrealized. It was said many years ago by Senator Sherman to have been the "hope of philosophers and statesmen, and the demand of writers on political economy for centuries," but progress toward its attainment has been halting and slow.

France, in the forming of the Latin Union, and in the calling of international conferences to consider the subject, has labored zealously toward that end. The United States has never been indifferent. At the commencement of her national existence she sought to replace the various colonial systems then existing by a national coinage, and to secure uniformity through all the States she placed in the Constitution the express and broad prohibition that "no State shall coin money." The earliest to adopt a consistent and complete decimal system well adapted to universal use, she has never sought to force it on other nations, but has always realized the advantages of an international currency and stood ready to yield national pride and convenience to its attainment. In 1857, by direction of Congress, a special representative of this government was sent to England to urge uniformity of coinage between the two nations, but without result. The great finance minister of our war period, Secretary Chase, in his first report to Congress, called attention to the desirability of an international system; and, in his second report, he again brought the matter to the attention of Congress and advocated the reduction of our half eagle to the value of the English sovereign, as a first step in the movement. Later, at the international conference of 1867, the United States, through their representative, assented to a still greater reduction of our half eagle, so as to make it equal twenty-five francs, if by that means a common coin could be secured. The movement then so zealously pressed, which at one time promised practical results, failed, largely from the fact that some of the nations whose co-operation was essential were on a silver basis, some on a gold basis, while some had a double standard, and the distinct and diverse interests arising from this condition of things made union on a common basis practically impossible. To this should be added something of national jealousy, rivalry, and pride; something of the inertia of firmly

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seated custom, which held England back from adopting anything distinctively French.

Since then nearly thirty years have passed. Conditions have changed. Men's ideas have "broadened with the progress of the suns." All the leading commercial nations have now the same monetary standard. The main problem is stripped of the complications arising from collateral considerations.

Why should the nations endure longer the inconvenience and loss, the waste of time and labor incurred in making conversions from the money terms of one nation into those of others, with the further loss of exchange rates, the fees of money changers, and the cost of reminting the coins of one nation into those of others? Why not have at least a common money of account if not of circulation, a common denominator in which can be expressed invoice values, market quotations, and all transactions of international interest? The money of account should be and speedily would be money of circulation, but not necessarily or probably the only money of circulation. In the United States the money of account is simply dollars and cents, while the money of circulation embraces nickels, dimes, quarters, and half dollars, quarter eagles, half eagles, eagles, and double eagles. We speak of halves, quarters, and dimes; but we compute these only as cents. We handle eagles and double eagles; but we add, subtract, multiply, and divide them only as dollars. So an international coin would not necessarily nor probably displace the distinctive coins of the different nations, but these should be made even multiples or sub-multiples of the common coin, so that computations might be simple and easy; and probably in time they would lose their distinctive names and be designated as multiples or fractions of the common denominator or international unit. This would not come at once; it might never be fully attained; it would likely come more rapidly and completely in some nations than in others, according to the measure of their versatility and progressiveness and the extent of their foreign travel and commerce; but the probabilities are that such coinage would be eagerly sought, and for a time more or less hoarded. A coin known to be of unchanging value everywhere, behind which was the allied faith of many nations, itself a sort of emblematic expression of the brotherhood of man and of the growing unity of peoples, would possess a combined practical and sentimental

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attractiveness which would overcome national exclusiveness and partiality for national things and make it in the end the measure and medium of all exchanges, except the smallest and most distinctively local and provincial.

But, even if the international coin were never struck at any mint, but simply its character as a common unit and its value definitely fixed and the coins of each nation made to correspond with it by even multiplication and division, get the adoption of such a common denominator, into and out of which the values of every country should be easily and evenly convertible, would be an immense advantage and convenience in international exchange and commerce.

We may assume it to be, I think, beyond dispute that a common coin of uniform value, current without discount in all the principal nations, would be a great convenience alike to the traveller, the merchant, the business man, the investor, and all who mingle in the broader affairs of life; and, if in its terms could be expressed all invoices, market quotations, and statistical returns, the store of knowledge of every people would be largely augmented, and the facilities for intelligent business transactions greatly increased. The value of the time saved which is now spent in figuring the conversions from the terms of one country to those of another cannot be estimated; but, when we reflect that the external commerce of the world, the aggregate of exports and imports, for 1893, is estimated at $17,500,000,000, we realize something of the inconvenience and loss attending the conversion of this almost incredible sum into and out of different monetary systems. The aggregate amount paid in discounts and exchange in passing from one system to another is also beyond calculation, and is a total loss so far as productive results are concerned.

The useless expense and waste in melting the coins of one nation only to transmute them into those of another could probably be approximately ascertained, but it is sufficient for present purposes to indicate the extent of such recoinage. In the last three years, recoinage has been carried on to the greatest extent probably by Germany and Austria-Hungary, and the following figures from the last report of the Director of the Mint will be of interest.

Germany reports that in 1894 there were furnished to the

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mints, to be recoined into German gold coin, 22,128 and $\frac{9244}{10000}$ pounds fine of foreign gold coin. In 1893, Austria coined 866,324 florins from domestic gold coin, and 80,716,644 florins from foreign gold coin. In 1894, she coined 1,642,534 florins from domestic gold coin, and 28,219,465 from foreign gold coin. In 1893, the United States melted down and recoined foreign gold coins to the amount of $12,518,764.88, and foreign silver coins to the amount of $1,087,835.05.

To the saving of the unnecessary cost of recoinage should be added a material saving of loss from abrasion. This is largely avoided in our domestic circulation by the use of paper representatives of coin, but careful investigations in England, made a few years ago, showed that the coinage loss by abrasion on the sovereigns in circulation was on the average over one-half of one per cent., and on the half-sovereigns double as much; and that 31½ per cent. of the English sovereigns in circulation had thus been reduced below the weight which makes them legal tender. In 1893, $670,000,000 of gold and $578,000,000 of silver were moved between different countries, involving such loss by abrasion as was consequent thereon. International coinage would dispense with much of this transportation; and if to that there were added the issue of international certificates of coin deposits, much after the manner of our system of gold and silver certificates, most of the transportation of coin from nation to nation would be avoided. Such certificates, based on the deposit of international coin, and issued under proper treaty regulations, would accomplish much of the advantage, perhaps all that is practicable, of an international clearing house to adjust the balances of national obligations.

Passing by the vast effect of the use of checks and drafts, we may say that increased facilities and rapidity of transportation have largely increased the exchange power of the world's stock of money; and the adoption of a common system of coinage, with auxiliary coin deposit certificates, would still further greatly increase the effectiveness of the present stock of the world's money metals for currency purposes.

A union of nations on a common system of coinage would render practicable and probably advisable the imposition of a small but uniform mintage charge, which would operate to retain in coin form, and hence for currency uses, all coins struck. The melting of coin for use in the arts and industries

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now so largely carried on, the amount of which can never be definitely ascertained, would thus be rendered unprofitable and expensive and would cease. The work and expense of coinage would thereafter not be wasted, the coins once struck would remain exclusively for money uses, and much more accurate estimates of the amount thereof in circulation could be made. The imposition of such a mint charge has been generally approved by political economists; but, in the rivalry and strife of nations bidding against each other for the world's production of precious metals, it has not been practicable.

A coinage resting on national compact would be not only universal in character, but also stable and permanent. The tendency of individual nations to change and generally to debase their coinage seems irresistible. During this century the United States has not only changed the fineness of the metal in her coins of silver and gold, but has reduced the weight of gold in all her gold coins and of silver in all her subsidiary coins. Germany has just completed a radical change in her coinage. England, by various changes, has reduced the pound sterling from the weight of a pound of silver in the time of William the Conqueror to 3 oz. 12 dwt. 16 grs. at the present day. The German florin dropped by successive changes from the value of $2.40 to forty cents. The French livre, once worth $18.50, and containing a pound of silver, came in time to contain only nineteen cents' worth of silver. Such changes could hardly happen if they could only be made with the concurrent assent of many nations.

While the larger nations of the world maintain distinctive and different coinage systems, the smaller, the less enlightened, and the non-coining nations recognize the one or the other system or maintain their own, as their tastes, interests, or whims may dictate, the result being a coinage mixture of dubious character and uncertain value. A common coin of the great nations would inevitably become the coin of the smaller nations, through the forces of trade and use, if not of formal adoption. The tendency in this direction is shown by the adoption of the French system by so many of the smaller nations of Europe and of Central and South America. Its decimal character, and the prestige of its adoption by the Latin Union, with the aggressive but diplomatic urgency of the French, have carried it so far into general acceptance as to make its adoption in outline, if not in detail, not only

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a matter of speculative and theoretic interest, but a question of practical importance, likely in the not very distant future to demand careful consideration.

In the time of Cæsar Augustus, the world had practically a common money; but the breaking up of the Roman Empire, and the wars that followed, individualized the nations in many of their customs, their weights, measures, coins, and money terms. War isolates peoples and sharply defines not only physical boundaries but national characteristics, customs, habits, and appliances. A favorite expression of sovereignty and independence was found in the creation of distinctive coins and currencies by different tribes and nations. Hence, in the passage of centuries and through the growth of nationalities, came the multifarious monetary systems now in existence. They were the outgrowth of an era of strife and war, when international communication took place mostly on the battle-field, and international exchanges were mainly the blows of conflicting armies.

We are now in an era of peace, of trade, of general progress, of common enterprise, of easy and constant intercourse, social and commercial, of widening cosmopolitan ideas, of lessening national prejudices. Natural barriers to communication and intercourse are being surmounted or annihilated. Why should those which are purely artificial be allowed to remain?

Conceding, as perhaps all will do, the desirability and importance of a common standard coinage among nations and the many advantages that would come from its adoption, we are confronted with the problem: How shall it be attained? To determine that, we may first inquire what are its essential requisites?

We may say without hesitation that such coin should be of uniform fineness of metal. The coins of Great Britain are $\frac{11}{12}$ fine; of the United States, France, and Germany, $\frac{9}{10}$ fine. Some nations drop below this grade of fineness for their subsidiary coins: others rise above it with their gold coins. A uniform degree of fineness would be essential for a common coin, and experience has demonstrated that the rate of $\frac{9}{10}$ fine, which is most nearly universally accepted now, is best for coinage purposes. It is not likely that any difficulty would be encountered in agreeing on that.

Such coin should be of uniform size and weight. It might properly have on one side a common device or legend, and on

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the reverse the emblems or legend of the nation issuing it. It should be issued under uniform regulations, and at a common mintage charge.

All these requisites could be attained through an international mint, supervised by and managed under the directions of representatives of all the nations joining in the compact, sustained in some such way as is the International Bureau of Weights and Measures; its perfect neutrality being guaranteed by the common agreement. Or each nation at its own mints might coin the international coin under such regulations and restrictions as might be fixed by treaty. When this is done, no limitation on the amount of gold coinage need be fixed.

For a coinage from silver, further conditions and agreements would be necessary. A common ratio must be agreed upon, and under existing conditions a limitation on the amount of silver coinage by each nation, with definite agreements for redemption on demand by the country issuing it, either in gold or in other coin of the country demanding redemption, would be indispensable. It will thus be seen that the adoption of an international silver coin is confronted with more practical difficulties and perplexities than the adoption of a common gold coinage, but these are not necessarily insurmountable. An international conference, that brought to its work intelligence, patience, and a liberal spirit, ought to succeed in outlining a system which should embrace both gold and silver coinage under conditions and restrictions that would ensure safety.

An international coinage might consist of gold alone, but if made to embrace silver also, it would be more universal in its character. It would then commend itself to the approval and adoption of silver-using nations and widen the use of silver, and probably tend to a gradual enhancement of its value and, possibly, ultimately to the restoration of its parity with gold on an agreed ratio. If such a result should come as a consequence of concurrent action by the great nations of the world, as the outgrowth of their united wisdom and prudence, it would come with entire safety and with beneficial results.

It might be added that, while the international coin should be legal tender in every nation joining in the compact, its convenience and practical usefulness might probably be increased by providing for the issue by each nation of certificates of deposit

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of such international coin, to be received in all other nations under the same conditions as apply to the acceptance of the coin deposited. This is not an essential feature of a common system, but is an American idea engrafted on our domestic currency system that is worthy of due consideration in connection with an international system. Its adoption would tend to diminish greatly the necessity of shipment and transportation of coin, and to simplify national exchanges.

The practical difficulty in the way of an international agreement lies in the attachment of each nation to its own system, terms, and coins. Which shall yield to the other, or whether all shall yield to a new and symmetrical system, are questions which open up too broad a discussion for the limits of the present article, and which can only be decided by international conference and agreement. It may be said, however, in brief, that the unit adopted should be expressed in the singular number. The aggregate value of a number of existing units, as, for instance, five francs, may be adopted if necessary; but that value, if it is to be received as the unit of a new monetary system, should be designated by a name in the singular number, and not by one that shows it to be the multiple of another or sub-unit. The franc is too small, the sovereign too large for such unit. The dollar is of convenient size, and is known over most of the world. Make the dollar conform in value to five francs, or to one-fifth of a sovereign, if necessary, but let it be the unit of an international monetary system. The change of its value, if made, might occasion temporary inconvenience and necessitate cautionary legislation protective of vested interests; but the trouble would be insignificant compared with the vast benefits to be derived from a universal world's coinage. A currency that would change value at no national frontier, that would defy the exactions of brokers and money-changers, that would carry the badge of civilized life into every clime, exchangeable for the products of every tribe and nation, the measure of all labor and value, uniform, universal, and unchangeable, is a desideratum the attainment of which is worthy the most zealous efforts of the patriotic citizens of every nation.

CHARLES W. STONE.

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THE TEACHER'S DUTY TO THE PUPIL.

BY HIS EMINENCE, CARDINAL GIBBONS.

THE importance of the subject briefly treated in this article may be estimated by the host of teachers and scholars. The teachers of the United States are numbered by tens of thousands, while the pupils, ecclesiastical and secular, frequenting public and private schools, colleges and academies, reach several millions.

The progress that these scholars make in their studies, largely depends on the intelligence, diligence and capacity of the teachers.

Plutarch, in a letter to his former pupil, the Emperor Trajan, says: "I am sensible that you sought not the Empire. Your modesty, however, makes you still more worthy of the honors you had no ambition to solicit. Should your future government be in keeping with your former merit, I shall have reason to congratulate both your virtue and my own good fortune on this great event; but if otherwise, you have exposed yourself to danger and me to obloquy; for the faults of the scholar will be imputed to the master. Only continue to be what you are. Let your government commence in your breast; and lay the foundations of it in the command of your passions. If you make virtue the rule of your conduct and the end of your actions, everything will proceed in harmony and order. I have explained to you the spirit of those laws and constitutions that were established by your predecessors, and you have nothing to do but to carry them into execution. If this should be the case, I shall have the glory of having formed an Emperor to virtue; but if otherwise, let this letter remain a testimony to succeeding ages, that you did not ruin the Roman empire under pretence of the counsels or the authority of Plutarch."

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From the words of Plutarch we may draw this important lesson, that the moral precepts of the teacher will exercise but little influence on the scholar, unless they are enforced by his own example. But if his life is in harmony with the instructions which he inculcates, they will make a deep and lasting impression on the heart of his pupil. For if the edifying demeanor of those whom we casually meet in the walks of life is a stimulus to virtue, how potential for good, and how enduring is the exemplary conduct of the professor who is the official guide of our susceptible youth!

Every one admits the truth of the Horatian axiom that persons are more deeply affected by what they see than by what they hear. If this maxim can be affirmed of all men, how much more forcible is its application to the impressionable scholar!

The pupil's character is almost unconsciously formed after the model of his instructor. The impression produced on the youthful mind, by the tutor's example, has been happily compared to letters cut in the bark of a young tree which deepen and broaden with time.

Of our excellent teachers, we can say in the words of John Sterling:

> "Ever their phantoms rise before us,
> Our loftier brothers, but one in blood;
> By bed and table they lord it o'er us,
> With looks of kindness and words of good."

The institution, in which a man studies, is supposed to exert so dominant an influence in moulding his character, that his *Alma Mater* is as sure to be mentioned by his biographer as the parents from whom he sprang.

So close, indeed, and tender and far-reaching are the relations subsisting between the teacher and his pupils, that the master feels honored by the virtuous and distinguished career of his scholar, while he has a sense of personal humiliation should the pupil's record prove dishonorable and scandalous. Harvard or Yale, Princeton or Georgetown, is eager to claim as her son the statesman, the jurist, or the man of letters who chanced to have drunk at her fountain of knowledge. Oxford would have gladly erected within her walls a monument to her peerless son, Cardinal Newman, had she not been thwarted by unreasoning bigotry. In like manner, our ecclesiastical colleges and seminaries refer

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with commendable complacency to their alumni who have distinguished themselves as priests or prelates in the paths of science and virtue. As Cato, in his old age, pointed with pride to the widespreading trees that his hands had planted in early manhood, so will the venerable teacher contemplate with admiration every fresh blossom or fruit that enriches the living tree reared and cultivated in his nursery of learning.

But while the preceptor enjoys the reflected honor that beams on his favored scholar, public sentiment makes him share, in some measure, though often unjustly, the odium attached to a pupil whose public life has been stained by unworthy conduct. The good name of Quintilian was marred by the vicious conduct of some of his scholars. The reputation of Seneca suffered on account of the crimes of Nero, his former pupil. The reproach seems, however, to be unmerited, for, as long as the young prince followed the instructions and counsels of his preceptor, he was loved by the Roman people; but when he fell into the hands of other masters, he became the shame of the human race. The exterior gravity and propriety of Seneca were a continual censure on his pupil's vices.

The professors of our colleges and seminaries should be profoundly impressed with the dignity and grave responsibility of their position. They are the constituted guardians of their pupils *in loco parentis*. It should be their constant aim that the lustre of the jewels confided to their keeping be not dimmed by neglect, but that they reflect more and more the brightness of the Sun of Justice. "What is more noble," says St. John Chrysostom, "than to form the minds of youth? He who fashions the morals of children performs a task, in my judgment, more sublime than that of any painter or sculptor." In contemplating the magnificent works of art exhibited in the churches of Rome, we extol the great masters who produced them, and we know not which to admire more, the paintings and statues which adorn St. Peter's Basilica, or the temple itself in which those masterpieces are enshrined. But the teacher, in moulding the character of the youths committed to his care, is engaged in a pursuit far more worthy of our admiration. He is creating living portraits destined to adorn, not only our earthly temples, but also the temple of God in heaven "not made by hands."

The professor who would aim at shaping the character of all

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his students according to one uniform ideal standard, would be attempting the impossible, because he would be striving to do what is at variance with the laws of nature and of nature's God. In all the Creator's works, there is charming variety. There are no two stars in the firmament equal in magnitude and splendor, "for star differeth from star in glory;" there are no two leaves of the forest alike, no two grains of sand, no two human faces. Neither can there be two men absolutely identical in mental capacity or moral disposition. One may excel in solid judgment, another in tenacity of memory, and a third in brilliancy of imagination. One is naturally grave and solemn, another is gay and vivacious. One is of a phlegmatic, another of a sanguine temperament. One is constitutionally shy, timid and reserved; another is bold and demonstrative. One is taciturn, another has his heart in his mouth. The teacher should take his pupils as God made them, and aid them in bringing out the hidden powers of their soul. If he tries to adopt the leveling process by casting all in the same mould, his pupils will become forced and unnatural in their movements; they will lose heart, their spirit will be broken, their manhood crippled and impaired.

"I will respect human liberty," says Monseigneur Dupanloup, "in the smallest child even more scrupulously than in a grown man; for the latter can defend himself against me, while the child cannot. Never shall I insult the child so far as to regard him as material to be cast into a mould, and to emerge with a stamp given by my will."

Instead of laboring to crush and subdue their natural traits and propensities, he should rather divert them into a proper channel. The admonition which would be properly administered to a sullen or obstinate youth deliberately erring, might be excessive, if given to one of an ardent or sensitive nature acting from impulse or levity.

One day, an abbot of some reputation for piety, was complaining to St. Anselm about the boys who were being educated in the monastery. "Though we flog them continually," said he, "yet they become worse." "And," queried St. Anselm, "how do they turn out when grown to be young men?" "Stupid and dull," answered the abbot. "At that rate," exclaimed the saint, "the system you employ is a model one for stunting intellectual growth. My dear abbot, suppose you were to plant a tree in your

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garden and shut it in on all sides so that it could not shoot forth its branches, what might you expect save a twisted, tangled, and worthless trunk? Now, by enslaving the spirit of children, by leaving them no liberty of action, you foster in them narrow, vicious, and wicked propensities, which, growing stronger day by day, resist every effort to change and eradicate them. Finding, moreover, that you are neither kind nor amiable, they will put no confidence in you; they will believe that you are moved by motives of dislike and envy. These inclinations increase with their years, and their minds and hearts grow bent to vice. Devoid of Christian charity, their views of the world and of life become utterly distorted. Now, tell me, were you in the place of these boys, would you be pleased with such treatment as you give them?"

The abbot threw himself at the feet of St. Anselm, admitted his lack of tact and discretion, and promised amendment.

Jesus Christ is the model Teacher. His conduct toward His disciples is the best example to be followed. He did not attempt to quench their natural spirit, but He purified and sanctified it in the fires of Pentecost. After Peter had graduated in the school of his Master, he remained the same ardent man that he had ever been. His vehement energies were expended, however, not in defending his Saviour's person with the material sword, which he had formerly used in cutting off the ear of Malchus, but in wielding the sword of the Spirit in the cause of righteousness. The sons of Zebedee were ambitious of glory. Ambition is in itself a magnanimous sentiment; therefore, Christ did not smother it in their breast, but He ennobled it by directing it to higher and holier ends. He taught them to aspire to a heavenly, instead of an earthly kingdom. Paul, after his conversion, retained the fiery zeal that had marked the youthful Pharisee, though it was now transformed into a zeal tempered by charity, and it found vent in evangelizing the world. Instead of dragging Christians before civil tribunals, as he was wont to do, we now find him arraigning Jews and Gentiles before the tribunal of conscience. Our Saviour did not blame Thomas for opening his mind and expressing his honest doubt upon the fact of the Resurrection; but he gently reasoned with him, and removed that doubt by a palpable argu-

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ment. In the same way, should the professor study, as far as possible, the individual character of his pupils, and adapt his instructions and admonitions to the capacity and temperament of each.

Regarding the discipline to be observed in our colleges and seminaries, the Third Plenary Council of Baltimore lays down the following judicious rules: "Let the discipline for regulating the whole course of life in the seminary be so arranged that it may savor neither of excessive rigor nor indulge pernicious laxity. The vigilance of superiors should be so tempered and moderated in maintaining it that it will not pry too closely into minute details, nor so hamper the minds of youth, as it were with chains, as to impede the normal expansion of their energies."

While the vigilance of superiors should be active in observing and prompt in correcting abuses, it should be entirely free from a spirit of espionage and distrust, which is calculated to make hypocrites, and to provoke the clandestine violation of rules. If the students are persuaded that they are habitually suspected and watched, they will also have their eye on their professors. They will take a morbid pleasure in eating the forbidden fruit, in drinking the "stolen waters, which are sweeter, and eating hidden bread, which is more pleasant." Like those that try to avoid the *Octroi* in French towns, they will come to regard their offences as purely penal without any moral sanction attached to them.

I once heard of a professor who always presupposed that the students were untrustworthy until they gave proof of virtue. The opposite rule, which assumes that they are good until their vicious character is made manifest, is, certainly, to be preferred. A gentleman once informed me that the principal of the academy in Europe in which he had made his studies, had an observatory, from which he could view all the boys in their respective rooms, and take note of any misdemeanor they might commit.

All right-minded men will agree that it is far better that youths should be religiously impressed with a sense of God's presence, that their enlightened conscience should be their monitor, and that the Faculty should appeal to their moral rectitude and honor rather than to their sense of fear.

This generous confidence in the student's honor is calculated

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to develop a higher and nobler type of manhood, and to fit young men for the great world in which they will have no preceptors to admonish them, and in which their conscience will be their chief and often their only guide. And besides, wherever this method of government obtains, whatever chastisement may be inflicted on the transgressor in vindication of the law, will be sanctioned and applauded by the students themselves; for they feel that any grave violation of college discipline affects their personal honor and good name. I am happy to say that this system prevails in all the institutions of learning with which I am acquainted.

St. Augustine, in his *Confessions*, complains of the excessive harshness and severity of some teachers of his time. They multiply, he says, the labors and sorrows through which the sons of Adam are obliged to pass. Youth are better governed by motives of love and filial reverence than by servile fear, and their tasks are more diligently learned when enjoined by principles of duty than when enforced by threats of punishmen t; for "no one," he adds, "doth ever well what he doth against his will, even though what he doth be well."

The mode of punishment inflicted on refractory subjects has varied according to the popular sentiment prevailing at different times and in different countries. We are told in the *Life of Plutarch* that corporal chastisement was not tolerated in the school which he frequented in Greece. This authority was exercised only by parents. "The office of the teacher was to inform the mind. He had no power to extinguish the flame of freedom, or break down the noble independence of the soul by the degrading application of the rod." Plutarch informs us of a novel and ingenious method employed by his preceptor Ammonius in correcting his pupils. "Our master," he says, "having one day observed that we had indulged too freely at dinner, ordered his freedman, during his afternoon lecture, *to give his own son* the discipline of the whip in our presence. The philosopher all the while had his eye upon us, and we knew well for whom the example of punishment was intended." Our American youth would, I presume, submit with patient resignation to this vicarious sort of punishment, for it is easy to bear the misfortunes of others.

The experience of General Sheridan's schooldays was not so agreeable. His teacher had less scruple than Ammonius about

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physical correction. He tells us in his *Personal Memoirs* that, when a youth, he attended a private school in Ohio. Whenever any one of the boys committed a serious breach of discipline, if the teacher was unable to detect the culprit, as was usually the case, "he would consistently apply the switch to the whole school without discrimination." It must be conceded that by this means he never failed to catch the real mischief-maker.

So great an authority as Dr. Johnson advocates moderate corporal punishment as an efficient means for curbing perverse and refractory spirits.

The ancient Lacedaemonian father was accustomed to inflict a second punishment on his son who complained of being chastised; for, he held, "he who would take the trouble to correct the son, showed thereby his affection for the father."

But the spirit of this country seems to be growing more and more averse to the application of the rod. I am persuaded that neither the authority of the sturdy Dr. Johnson nor the example of the Lacedaemonians will have any effect in supplanting the milder regime now in force in our educational institutions, especially in our Catholic colleges and seminaries; for while American fathers admit the wisdom of Solomon's maxim: "He that spareth the rod, hateth his son," they are reluctant to delegate to others their paternal prerogative.

It will be generally admitted, in conclusion, that he is a model disciplinarian who combines the paternal and maternal attributes in his relations to his pupils. While he is always expected to maintain the authority of a father, he should exhibit in a more marked degree, the affection and tenderness of a mother; for he who gains our heart easily commands the attention of our mind.

J. CARD. GIBBONS.

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THE RIGHT OF PRIVACY.

BY JOHN GILMER SPEED.

Now, when gossip has become a recognized trade in which large capital is invested and many men engaged, it is most proper that we should consider and determine how far incursions may be made into the private life of the men and women of this country. A supreme court judge in the State of New York, in a recent noted case, decided that when a man became an artist, engaged in literature, or offered himself as a candidate for office, he parted with his right of privacy. I do not believe that this judge was more than partly right, and I do not believe that gossip as a trade has any greater rights because it has become a trade. Moreover, I believe that the definite establishment of this right of privacy is at this time of the greatest possible moment; for, without such a right and the easy enforcement of it, civilization must deteriorate, and modesty and refinement be crushed by brutality and vulgar indecency.

What is the right of privacy? Judge Cooley, in his admirable work on Torts, calls it the "right to be let alone." The ancients of our American institutions included it in that declaration which expressed the pledge of their lives and honors to defend the inalienable rights of "life, liberty, and the *pursuit of happiness.*" As man comes into the world alone, goes out of it alone, and is alone accountable for his life, so may he be presumed to have by the law of his nature full right to live alone when, to what extent, and as long as he pleases. If he admit others to his society, if he share his thoughts with any, or work for the benefit of his fellow-man, he establishes no prescription against his privacy, and until the morality of his acts is duly and decently disputed, the modesty of good and common nature sets between him and the modern inquisition the protecting shield of

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that knightly order whose motto has been aptly termed the eleventh commandment—"Mind your own business." That our laws do not afford complete and adequate protection of the right is neither argument against its validity nor objection that they should not be so adjusted as to accomplish that purpose.

Sir Henry Sumner Maine not long ago, in his Oxford lectures, called attention to the fact that law is a progressive science, and that new relations give rise to or develop new or inchoate rights, and a long line of cases in American and English courts gives proof that the application of remedies has from the very earliest time kept pace with the ever-shifting cunning of human aggression.

But has the right of privacy ever received recognition in the forum of administrative justice? We have rights of property, rights of life and bodily integrity. Do these enumerate all the personal rights? The laws of human community from long time recognized the inherent privilege of vindicating personal honor against slander and libel. The growth of this action, as such a proceeding is called in the law of English-speaking races, shows very clearly that by its very reason of existence that system provided for the possibility of modified relations and the invention of ingenious wrongs. Early in the application of common law the rigor of its rule was softened and the power of the remedy for wrong done with force and arms upon person and property was extended to injuries which were effected by trespass on the case. That was to say, if a man trespass, though he use not weapons in the doing of it nor apply physical force, yet shall the injured one have an equal right to damages, if any measure thereof can be found, with him whose person or property suffers actual wounding. By a similar reason the assault or attempt was made commensurate with the actual striking or battery, as a man would be damaged if he were obliged to put up his defence to ward off overtly threatened blows.

The doing of many acts to the injury of a person or of his property, which came not fully within the notion of violence, was included in the term "nuisance," and so had more or less effective remedy in judgment of damages. It was found that the healthy and common-sense rule that a man must so use his own as not to injure the goods or person of his neighbor was a very good one to follow in dealing out the rugged justice of our tribal

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ancestors. Even the loss of services of wife, husband, or children became by a kind of uncouth courtesy a reason for the recovery of damages, which were often assessed at a figure expressly punitive of the wrong-doer in the killing, maiming, seducing, abducting, or grievously injuring of one or other of these relatives.

As the simple seagirt people of the western islands began to extend the scope of their operations beyond seas, it soon became certain that other rights existed, against the infringement of which their common law ought to protect them. Trade secrets and marks began to be regarded as property, and the fruits of invention came in a like manner to the care of the law. With the increase of books by aid of movable types came the idea of copyright. So many and complex became the relations which an extended commerce and tremendously increased activity soon laid upon the English people, that first they were constrained to aid the force of their traditional law by statutory additions and enlargement, and then to engraft upon their procedure some of the best methods of the Roman or Imperial codes. This was very satisfactorily arranged by setting up the Lord Chancellor as the keeper of the sovereign's conscience, and through him obtaining from that ever-flowing fountain of justice such helps as the wisdom of the civil law afforded.

The exclusive right to multiply copies of written or printed books has been one of the most edifying results of the long discussion, and is a declaration that a man has full right to the exclusive ownership of his written thought by common law. A familiar example of the enforcement of this view is the inviolability of property in correspondence. The contents of a letter may not be published without the consent of the writer. Another instance less familiar but not less forcible is the integrity of property in plays retained in manuscript, which is preserved notwithstanding their never so frequent presentation to the public.

The law of France, which follows the rule of the Roman Code, has explicitly declared the right of privacy, and provided measures for its vindication in the statutes relative to the control of the public press. The Penal Code of France has, since May, 1868, declared that any publication in newspaper or periodical of facts relating to one's private life shall be punished as a criminal offence.

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It must readily be seen from these instances that the law, not only of our own but of other races, stands ready to assert enforceable privileges entirely apart from those which affect property and bodily safety. With the instantaneous photograph, the untamable reporter, and the Röentgen ray prying busily into the daily affairs of men, it becomes more than ever a serious problem whether man can be made secure from impertinent curiosity and mischievous or malicious spying.

Ever since the middle of the last century, when the courts of England declared that the writer of a private letter was entitled to prevent the receiver from publishing the contents thereof (Pope *vs.* Curl, 1741), the application to the right of privacy of the rules of law and equity has engaged the most serious attention of judges on both sides of the Atlantic. As early as 1820 the English courts, as is evidenced by the case of Youatt *vs.* Winyard, and other judgments, following the rule there declared, enjoined the publication of secrets obtained in the course of confidential employment, and they have, within a few months past, most emphatically reasserted the rule. In the case of Prince Albert *vs.* Strange, 1849, the defendant was prevented from selling or describing in print certain etchings made by Queen Victoria and the Prince Consort, and in that case the judge redeclared the governing principle which forms one of the chiefest beauties of our common-law system—that its rules are "providentially expansive and capable of adapting themselves to the various forms and modes of property which peace and cultivation might discover and introduce." The Lord Chancellor in the same case declared that the personal right invaded by the defendant was the right of privacy.

The right of heirs or children to protect the graves and monuments of their dead, asserted as long ago as the time of the learned Coke, and more recently exhaustively discussed in New York in the Beekman Street case (1854–1856), is established as sacred and inherent and independent of any considerations of property whatever. The exclusive use of one's own name was made the subject of recent decision in New York, when the late Sir Morell Mackenzie was allowed an injunction in 1891 against a certain Mineral Springs Company to prevent the use of his name and portrait, under the judicial declaration that their unauthorized use by the defendant was an injury to the physician.

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Numerous cases have grown out of the unauthorized use of photography, and the right of privacy has been emphatically declared in cases where photographs have been either openly or surreptitiously obtained. In comparison to these cases there is afforded an excellent opportunity to note the difference between rights which are by nature inherent and those which arise from contract, actual or implied. In the English case of Pollard *vs.* Photographic Company, while the Court discussed at large the subject of the law of privacy, yet it appeared clearly that defendant's use of the plaintiff's portrait was a breach of an implied contract, for the photograph was made with the latter's consent and for private use. On the other hand, the recent American case of Manola *vs.* Stevens (1890) enjoined the use of a photograph of the plaintiff, an actress, taken without her consent by the use of the surreptitious flash light. This case, it is to be regretted, did not pass into the ranks of precedent, for the defendant submitted to the rule of the lower court. There would have been an excellent opportunity here to review the entire question of the right of privacy in its strictest construction, as the plaintiff was engaged in an occupation which devoted certain hours of her time to the portrayal of character before the public in drama. It would have been a nice point to distinguish between the voluntary relinquishment of so much of a person's right of privacy as must be laid aside by the actor when engaged in playing and the bestowal by that act of a general privilege to any and all to make and have pictures of the actor. It needs no citation from law or reason to establish the rule that the habit indulged in by so many actors of thrusting their portraits before the public, and filling the columns of daily newspapers with the most intimate as well as most trivial of their private affairs, does not take away from any member of the profession the right to be let alone when the curtain which hides his assumed character from the world is drawn close.

It is too bad, in fact, that in dealing with this vitally important subject of the enforcement of the right of privacy the ultimate courts have so often been, or seemed to be, obliged to decide the cases before them, in which this right was an important element, upon some point which left the larger subject unaffected by their judgment. It yet remains for some one to present a case in which a full and broad decision can be had. Two most

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famous cases have been before the courts of late years in which all the essential matters affecting this important and inherent personal right were exhaustively studied and discussed by learned and eminent counsel and judges, and yet in each instance the court's decision was based upon some little fact which closed the door to authoritative precedent.

The well-known case of Schuyler *vs.* Curtis in New York engaged the attention of the courts and the public for a number of years, from 1891 until last December, when it was finally decided in the Court of Appeals at Albany. An effort had been made to secure a public subscription for the purpose of exhibiting a statue of Mrs. Mary M. Hamilton Schuyler, then deceased, at and during the World's Fair, Chicago, and afterwards in New York. The relatives of the deceased lady sought to prevent the act, and the means thereto, as invasions of the right of privacy. They represented the family of Mrs. Schuyler in the most direct heirship. The court in which suit was begun issued its order forbidding the proposed action. The preliminary order was twice continued upon reasons which Judge Morgan J. O'Brien at Chambers in the first, and Judges Van Brunt and Barrett at General Term in the second, instance held to have unequivocally established the right in the plaintiff to prevent intrusion upon the privacy of the memory of their kinswoman. Upon trial in November, 1892, that order was made permanent. In December, 1895, this judgment, the entire case having been exhaustively and carefully argued by able counsel upon both sides, was reversed by the Court of Appeals, in spite of an earnest, clear, and logical dissenting opinion by Judge John Clinton Gray, which he began with the words: "I most emphatically dissent from the decision of this court that there was no ground shown in this case for the equitable relief which was granted below. That a precisely analogous case may not have arisen heretofore, in which the peculiar power of a Court of Equity to grant relief by way of injunction has been exercised, furnishes no reason against the assumption of jurisdiction." The decision of the majority of the judges, delivered by Judge Peckham, proceeded upon the assumption as a principle that "whatever rights of privacy any individual may have died with him." Judge Peckham says: "Whatever right of privacy Mrs. Schuyler had died with her. . . . The right which survived, however extensive or limited,

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was a right pertaining to the living only. . . . That right may, in some cases, be itself violated by improperly interfering with the character or memory of a deceased relative. . . . A privilege may be given the surviving relatives of a deceased person to protect his memory, but the privilege exists for the benefit of the living to protect their feelings and to prevent a violation of their own rights in the character and memory of the deceased." The opinion then goes on to review the matters of fact in order to reach a conclusion that the supposed injury to plaintiff's feelings was merely fanciful, and, though it does not alter the words, that it was one of those trifles for which the law cares not. In regard to this, Judge Gray says: "However opinions may differ with respect to the substantial nature of the injury to the feelings of Mrs. Schuyler's relatives, we have the finding" (the settlement of fact by the trial court) "that it was in fact caused, and we should not say that it was merely fanciful."

And so in this case the opportunity of giving us a light upon the obscurity of the right of privacy was avoided.

The English judges were called upon to act in this matter about the same time that the case above mentioned was pending. Their decision, though not referred to in Schuyler *vs.* Curtis, was rendered in 1894. A homicide was committed upon an estate called Ardlamont in Scotland, for which a young man named Monson was arrested and tried. The circumstances of the affair, the social standing of the victim and the accused, and the difficulty of obtaining any adequate reason for the strange and sudden death, caused a widespread sensation. The occurrence became and still is known as "The Ardlamont Mystery." The Scotch jury returned a verdict, "Not proven." This proceeding, not tolerated in English or American law, left the defendant neither condemned nor vindicated, and consequently but enhanced the morbid and insatiable curiosity of the public. The Tussaud Company, Limited, of London, successor of the celebrated Madame Tussaud, conducting an exhibition of waxworks, prepared and caused to be publicly displayed at their establishment in London a gruesome imaginary representation of the tragedy in what is termed a "Chamber of Horrors." In connection with this plastic solution of "The Ardlamont Mystery," they exhibited a waxwork figure of Mr. Monson, not in the awful group in the

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"Chamber of Horrors," but in gentlemanlike and dignified semblance, in an adjoining passage, through which the public was obliged to walk before or after witnessing the invented portrayal of the crime with which Mr. Monson had been accused. Mr. Monson sought to prevent this exhibition as a breach of his right of privacy, by appeal to the equity power of the English bench. The notoriety of the original cause of the litigation, as may well be imagined, drew to this case the most widespread attention. Even from far-away India there came expression of the hope that this at last would give chance for the settlement of the question of the right of personal privacy. Some of the most capable jurists of the bar were engaged in the argument and presentation of the case, and all the elements of the important right involved were most carefully and learnedly elucidated. But here again expectation was doomed. Some one found an "if" lurking in an unconsidered corner, and dragged it out to destroy the rigor of that powerful helper of the law, the equity branch. One Louis Tussaud, who bore some relation to the defendants and conducted a similar business, claimed that Monson had given him permission to produce and exhibit the portraiture in question, and that a consideration for the privilege had passed between them. The existence of this claim was enough to stay the hand of equity. "If" there had been such a contract, to believe which the Court seems to have had reason, equity could not assist Mr. Monson to relieve himself from the consequences of his own act.

Perhaps the most signal recognition of the right of privacy is the spirit which underlies our positively declared and strictly enforced rule of law that no priest, lawyer, or physician can be compelled to testify as to matters confided to him in his professional capacity by another. This is called the rule of confidential communication, and is not limited to merely voluntary information, but covers all knowledge of a person or his affairs obtained in consequence of the professional relation. To the students of English law, it will not be difficult to refer the first implanting of this sturdy timber in the soil of our jurisprudence to the devious and cunning methods employed by the prosecutors at the trial of the Jesuit priests accused of complicity in the Gunpowder Plot, in the year 1606, to force or betray them into violation of their sacred duty towards the inviolability of the confessional. It was for avoidance of the questions pushed upon them for this

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unworthy purpose that they were stigmatized as "equivocators," and the name of their society set down with ineffectual solemnity in dictionaries of the English tongue as a synonym for that dubiously polite label for one of the seven degrees of the lie. We have not been so very many years free from the odium of this uncharitable wresting of the law to wrong-doing. In spite of the fact that the rebellion of the colonies set up a new order of English law upon the hither shores of the Atlantic, for the perpetual fosterage of freedom, it was found necessary, even under the liberal provisions of the Constitution and laws of the United States, to call the power of equity into the forum of conscience in order to protect a priest in his refusal to answer on the witness-stand about matters affecting his professional and confidential relations towards a person accused of crime. In this case the best minds of the New York bar were engaged in the task of establishing firmly and for all time the guaranty of this much of the sacred right of privacy. That assurance is now established beyond all cavil by the statute law of every state in the Union.

The celebrated English Chancellor Lord Eldon took occasion, while reviewing the case of Wyatt *vs.* Wilson (1820), to note as an analogy the supposed case: "If one of the late king's physicians had kept a diary of what he heard and saw, the Court" (of Equity) "would not, in the king's lifetime, have permitted him to print and publish it." While there is a hint in this reference to the unfortunate sovereign of the application of the rule forbidding the doing of things which are contrary to public policy, it is still true that in the case before the Chancellor the right of privacy was of such importance that he seems to have deemed it the foundation of the more familiar public safety. Why not? If the right of privacy exist, it belongs to all persons, artificial as well as natural. The state, in the workings of its diplomatic and police relations, in the regulation of its revenue, the councils of its lawmakers, and the deliberations of its juries, demands and is accorded the closest secrecy. Who dare intrude upon a meeting of cabinet ministers or publish their views without permission? Who ventures to betray the confidence of the secret service? Executive sessions of the legislative body are held with closed doors and should be remembered only with closed lips. The servants of justice, sworn to hear witnesses to disputed fact and weigh the value of their testimony, are not even themselves permitted to

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disclose the privacy of the juryroom. Shame and contempt fall instantly upon the foolish violator of these public privacies—irrefutable proof that the reason lies in a law of humanity's nature. Nor does the same character of spontaneous proof fail in certain cases where private right to be let alone is grossly outraged. Only a little while ago the heart of the world trembled with detestation at the act of an English doctor—an act done in sheer and wanton outrage of the confidence of a patient. The grievance of this case was the betrayal to others by the defendant's physician of knowledge obtained by him in a professional relation towards the plaintiff, a married woman.

The illustrated journalism now prevalent finds its finest achievements in the publication of photographs surreptitiously taken. The value does not seem to lie in the fact that the photographs are of notabilities, but that they have been taken by stealth when the subjects were unconscious of the purpose of the person manipulating the camera. Indeed, it is a well-known fact that at least one of the newspapers of New York keeps a photographer busy in the streets of the metropolis taking "snap shots" at every person who appears to be of consequence. These are used at once, or filed away for use when occasion arises. Now, such practices are unquestionably invasions of the right of privacy; but we are told by the courts that the victims of such practices may not restrain by injunction the publication of photographs so taken, but that the remedy lies in a recovery for damages. This is no remedy at all, for the chances would be that some demagogue of a judge would declare that the hurt was but fanciful and too inappreciable for a merely earthly tribunal to estimate.

If, therefore, we cannot find, either among the cases which make up our rules of decision or upon the pages of the general laws, a positive declaration that all things which concern the private life, habits, acts, and relations of the citizen, and bear no necessary relation to his fitness for the public office toward which he is a candidate, or to his ability as a teacher, preacher, or professor in science or art, or any bearing upon acts done in any of these capacities, shall be subject to publication, in print or otherwise, only upon the consent of the person within whose right of privacy they lie, then the time has come when the legislatures must act so as to make the fundamental law as to these particular

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rights of man operative and enforceable. Otherwise vulgarity will envelop the nation, and we will permanently deserve the reproach now put upon us by the nations of Europe—that in civilization we are on a par with the half-reclaimed Slavs of Russia, and only a trifle higher in the scale than the mongrels who live in perpetual revolution in Central and South America. The difficulty in the way is the fear that the liberty of the press may be restrained by any statute guarding the right of man's privacy. But the press never had any real right to invade proper privacy; so a law defining what privacy is and fixing a penalty for its invasion would not be any abridgment of the right of publication, for the right of improper publication never existed. Then again Americans as individuals must, if they think privacy worth preserving, abandon their disposition to suffer wrong rather than to take the trouble of being disagreeable. In other words, the individual citizen must cultivate to its highest development that confident moral courage which counts no sacrifice too great when made to enforce any atom of his rights.

JOHN GILMER SPEED.

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CRIMINAL JURISPRUDENCE, ROMAN AND ANGLO-SAXON.

BY M. ROMERO, MEXICAN MINISTER TO THE UNITED STATES.

I HAVE often heard, during my official residence in Washington, comparisons made between the Anglo-Saxon and Roman systems of criminal jurisprudence, generally very disparaging to the latter system, and this leads me to believe that our own, which is based on the Roman, is not quite well understood in this country. This, and not a desire to indulge in odious comparisons between the two systems, is my apology for writing a brief article intended to show that our system is not so defective as some believe. I think that in doing this I render a service to the good understanding between the United States and its Southern neighbors.

This subject has always had a great interest for me. Having been educated at home as a lawyer, I have desired to study and practically to compare the various systems of jurisprudence of different countries, believing this to be one of the best ways to understand the philosophy of that science. I regret, however, that the public duties which have devolved upon me during my whole life, and my long absence from home, depriving me of the opportunity of practising law in Mexico, have prevented my becoming better acquainted with all of its provisions and making a specialty of the study of jurisprudence. The same cause has prevented my studying fully the practical workings of the Anglo-Saxon system of jurisprudence, as existing in the United States. It is, therefore, with great reluctance that I approach such a difficult subject, believing, as I do, that I am not fully competent to treat it as thoroughly as I should like.

While I would not attempt to depreciate the Anglo-Saxon

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system of jurisprudence, I think the Roman system is also entitled to some regard. The most remarkable of the Roman institutions, and the one which we might say survived the downfall of the Roman Empire, and the incursions of the barbarians with their feudal system, was the civil law; it contains all that was best of former ages and peoples. The advancement of old Etruria, the wisdom of Solon and Lycurgus, the principles of the legislation of Minos, and all that was of permanent value to Egypt, Phœnicia, Chaldea, and the foremost nations of the ancient times, were incorporated into the laws of the ten tables which were engraved 450 years before Christ; therefrom was developed the wonderful legal system which culminated in the institutes of Justinian in the year 534 of our era, a system which did more than anything else to assimilate to the Roman Republic the many dissimilar nations which became its provinces, and which were held together by the wonderful Roman civil law. The Roman law was really the result of freedom and free intellectual development, carried on during several centuries under the benign influence of Republican institutions. On the other hand, the common law was the natural result of the feudal or military system of the northern barbarians. The foundation, therefore, of the one is justice; the basis of the other is brute force.

It is generally considered that the corner-stone of the Anglo-Saxon criminal jurisprudence is the system of trial by jury; and yet it appears from recent researches that the jury system was not indigenous to the common law of England, but was borrowed from the Franks.* In fact, the original idea of the jury system appears to have been borrowed from the Roman law.

The advantages of this system have been much enlarged upon by different writers, both in England and America, as well as upon the continent of Europe. I do not care to criticise it, even though it seems to me, at least under existing conditions, to be open to grave objections. I will only remark that, when, eight hundred years ago, England was oppressed by a tyrannical king, the successful efforts of the English barons to wrest from him the Magna Charta, which gave to England no more than was already the common right of all the other nations of Central and Western Europe, enforced a concession which was nevertheless

* "*History of English Law before the Time of Edward I.*" By Sir Frederick Pollock and Frederick William Maitland, Cambridge, 1895, Vol. I., page 117.

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justly regarded as an important step in securing human liberty. Even so, we know that the charter then granted was repeatedly violated by each and all the subsequent kings of England, down to the accession of the Stuarts. The Magna Charta was procured from King John by the barons mainly for themselves, but it inured to the benefit of the Commons, since it secured to them the right to be tried by their peers. Now, however, that the power of the Commons has so greatly overshadowed that of the barons that the two classes are rapidly merging into one, the changed conditions do not warrant any undue laudation of the great Charter. Certainly, in the United States, where all differences of class have disappeared since slavery was abolished, there is no reason to fear oppression of the people by those in authority, since the people themselves by their representatives are in power; as a consequence, trial by jury of one's peers has no longer the significance which it may be supposed to have had under Magna Charta. The arbitrary power of arrest and detention residing in the sovereign, and against which it was the purpose of Magna Charta to guard, has never existed in the United States, where the power of the President to order the arrest of a civilian exists only when the writ of *habeas corpus* is suspended in cases of rebellion, invasion, and other great public danger, and in extradition cases as provided in the respective treaties.

While I should not like to express any decided convictions on this subject, I may safely say that the conditions under which the jury system was established or adopted do not prevail at the present time, even in the country of its supposed origin; it cannot, therefore, have the importance it once had. The insufficiency of this system to punish criminals is made evident, I think, by its practical results which have unfortunately brought about what is commonly called Lynch Law, and by the fact that these in their turn have given rise to a practice which is based upon a defect in existing law, and which therefore comes to be in fact the complement of criminal proceedings under the Anglo-Saxon system. It is hardly necessary to add that lynch law is highly demoralizing, that it is open to great abuses, and that when the victim is an innocent person it amounts to a grave crime. When a community is satisfied that a crime has been committed, that a particular person is the author of that crime,

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and that he cannot be punished under the regular proceedings of a common-law trial, they often take the law into their own hands and they administer swift justice in a manner that is often barbarous, but in the only way left to them. In any case the demoralizing effects of lynch law are so great, and I might say so shocking, that any system which seems to make such law necessary as a consequence of its own defects, ought to be revised so as to put an end to that terrible practice. Perhaps lynching is not only due to the imperfections of the jury system, but also to the system of procedure, that causes delays in bringing about a trial, and often to the chicane and deficient preparation of the prosecuting officer.

The jury system as applied to criminal cases is undoubtedly more favorable to the accused than to society. That it has faults is evident from the fact that some of the States of this Union, like Maryland, for instance, have enacted statutes allowing the accused to select whether he shall be tried by jury or by a judge, and this notwithstanding the constitutional provision on the subject. I regard that provision as the first step to undermine the jury system.*

But the force of example, and the great credit which Anglo-Saxon institutions have attained in the world on account of their respect for individual rights, have induced some of the American nations of Latin origin to adopt the jury system, and we have done so in Mexico. Señor Mariscal, our present Secretary of State, who lived in the United States from 1863 to 1877, as Secretary of the Legation up to 1867, and afterwards as Minister from Mexico in Washington—and who is an eminent jurist, a thorough student, and a careful observer—made a special study of the jury system in the United States, and when he went home and became Secretary of Justice under President Juarez's administration, he established, in 1869, the jury system in the Federal District of Mexico for criminal cases, changing it somewhat so as to adapt it to the peculiar conditions of the Mexican character. He provided, for instance, that a majority of the eleven jurors

* A report of the Committee of the Judiciary of the House of Representatives (No. 108, Fifty-fourth Congress, First Session), presented by Mr. Updegraff, of Iowa, on January 22, 1896, which contains several tables compiled by the Department of Justice of homicides perpetrated in the United States of which cognizance has been taken by the Federal Judicial authorities, and states the number of indictments, convictions, and acquittals, shows (Table No. 2) that in the year 1892, of 29 Judicial Federal Districts the Federal Judicial authorities took cognizance of 112 homicides, out of which came 96 indictments, 24 of the accused being convicted and 37 acquitted, only one execution having taken place.

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composing our jury should render a verdict, while under the Anglo-Saxon system the unanimous vote of the twelve jurors is required. It was provided, besides, with a view to prevent the failure of justice, that if, in the opinion of the presiding judge, the verdict were clearly against the evidence, he should so report to the higher court, with a motion to set that verdict aside, and, if the higher court should sustain his opinion, a new trial should be granted, unless eight jurors had concurred in the verdict, in which case it should be final and could not be set aside. These provisions were somewhat changed by an Act issued on the 24th of June, 1891, which provides that the jury shall be composed of nine jurors, that a majority of them shall render a verdict, and that the decision of the jury shall be final if given by seven votes. Even with all these alterations in the system, I have seen cases in Mexico where criminals have gone unpunished, because through the eloquence of their attorneys the jury has been influenced in their favor.

Under the system of criminal jurisprudence prevailing in the Federal District of Mexico, all the preliminary proceedings in a criminal trial, such as the examination of the accused, the taking of testimony, etc., take place before the judge who presides over such proceedings without a jury; when this has been completed and the case is ready to be submitted, the jury is empaneled and the evidence is read to it as set forth in the record already formed; the prosecuting attorney then presents the charges, the defense is heard and the witnesses of both parties are examined and cross-examined; thereupon the jury renders its verdict, adjudging the accused either innocent or guilty, following substantially the practice under the common law of England and of the United States. In most of the Mexican States prevails the old Spanish system of criminal jurisprudence.

I often hear it asserted in this country that the proceedings under the Roman law are secret, and that the accused does not know what the witnesses have testified against him. This assertion is entirely incorrect, and often leads to very grave misunderstandings. One of the difficulties that the Spanish-American countries have to contend with at Washingtan, in cases where citizens of the United States are tried by the local judges in any of those countries, is the great difference between their criminal

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legislation and procedure and the system prevailing in this country.

According to the Roman system, every criminal trial is divided into two stages. During the summary (*sumario*), which is the first, and the purpose of which is to ascertain the facts connected with the case, the testimony of the accused is taken down, sometimes without his knowing who may be the witnesses testifying against him, or the crime with which he is charged. During the plenary (*plenario*), or second stage, all the proceedings of the summary are made known; and thereafter all the proceedings are public, the accused enjoying the same rights which are guaranteed to him by the common law. To this latter statement there may be some slight exceptions, as, for instance, the fact that bail is allowed in only a few specified cases, determined by law, and never when the person may, upon conviction, be liable to bodily punishment. It would, however, take more space than is allowed in an article of this character, to state the respective advantages of the two systems, and I shall, therefore, limit myself to briefly mentioning the principal differences between them.

The secret proceedings of the *sumario* are much criticised in the United States, it being forgotten that the English common law likewise provides a secret proceeding very similar to the *sumario*. Before anyone is indicted in this country, the case is heard secretly by a grand jury, a body composed of persons who, in some cases at least, are secretly designated. The grand jury listens to such testimony as is offered, or as it may deem sufficient, without permitting the accused to be present or to know what transpires; and if in their judgment there should be sufficient ground, an indictment is found; and thereafter the public trial begins before the court. It is very difficult, of course, to make any general statement which will be accurately true with respect to all of the forty-five commonwealths which compose this country, since, as is well known, each of them has its own legislation.

In some states, as in New York, a preliminary hearing may take place before a police magistrate, who has in some petty cases power to inflict punishment, release the accused, or hold him for the action of the grand jury. Sometimes, however, no arrest is made until an indictment has been found by the

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grand jury, or in cases of misdemeanor for trial by a court of judges if the defendant waives a jury.

So far, therefore, as a proceeding under one system may be said to correspond to a proceeding under the other, it may be said that the *sumario,* in countries where the Roman law prevails, corresponds practically to a grand jury indictment in Anglo-Saxon nations.

In the Latin countries testimony is taken down in writing, and, after being read to the witness, is signed by him in proof of the fact that his statements have been correctly recorded. It gives a degree of certainty to the correctness of the testimony which cannot be obtained by a stenographic report; and it renders it impossible for the judge or opposing counsel to put into the mouth of a witness language different from that which he has actually used. When the summary is ended, all the testimony is presented to the accused for his examination; and the right is then given him to cross-examine the witnesses who have appeared against him. The cross-examination is an old Spanish proceeding which we call "*careo,*" and which in Spanish means that the accused is personally confronted with the witnesses in the presence of the judge, for the purpose of cross-examining them. It is therefore quite incorrect to assert that, because the *sumario,* or first stage of the trial under the Latin system, is kept secret, therefore the accused does not know anything regarding the evidence presented against him; the fact being that during the second or plenary stage of the proceeding he is fully informed of all that has been done, and is given ample opportunity to refute it, either by presenting his own witnesses or by cross-examining such as have been presented by the other side, or called by the judge.

Another right guaranteed to the accused under the Mexican law, and which in its broadest sense is unknown to the common law as such, is the right of appeal: that is to say, the right in every case to have both the law and the facts reviewed by a higher court. Under the Mexican laws this right is very broad. Our laws provide that no decision made by judge or jury condemning the accused can be executed until after it has been affirmed by a higher court. Not only is the accused given the right to appeal once, and sometimes twice, from any decision against him, but it is also made the duty of the lower court to

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send the case with the record for review to the higher court in cases where the convicted person does not himself appeal. Such is the practice under the Roman and Spanish law; but in the Federal District of Mexico, where the jury system has been adopted, the case goes to the higher court only on appeal of the aggrieved party, and said appeal only affects questions of law and not the facts as stated before the jury, which cannot be controverted.

It is true that under the common law system of criminal jurisprudence the accused or his lawyer can take exceptions to points decided by the judge during the trial, and that these exceptions may be reviewed by a higher court, but this can hardly be said to be an appeal, in the sense contemplated by the Mexican law, because the decision of the appellate court is only limited to those points which may be covered by the exceptions taken at the trial. It is true that in some States, as, for instance, in New York, an appeal can now be taken which will bring before the court for review questions of fact as well as questions of law; but in so far as this procedure has been adopted, it is a departure from the strict rules of the common law and an adoption of the principles of the Roman law, since, according to the theory of the common law, a jury can make no mistake, and its findings of fact are therefore final.

Our Constitution of 1857 is so careful not to allow anybody to be kept in prison for any extraordinary length of time that Article 19 specially provides that as soon as a man shall have been arrested the judge shall immediately hold a preliminary examination, and shall within three days from the time of the arrest render his decision. If the judge shall be of opinion that there is sufficient ground for continuing the investigation the prisoner shall be remanded; otherwise he shall be set at liberty. In the first instance the judge has to sign what is called in Spanish *auto de prision formal,* meaning an order of formal commitment. In the second place, the prisoner is set at liberty. This proceeding corresponds in a measure to the grand jury investigation under the common law. As I have already stated, in some States, like New York, a committing magistrate is authorized to examine the case as a preliminary step to the investigation of the grand jury. Where such a practice prevails two examinations take place before the criminal charge upon which the accused is to be

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finally tried is definitely formulated, while under our system only one investigation is made and even that must be completed within three days of the arrest.

The assertion, often heard, that American citizens tried in Mexico are not notified of the cause of their arrest; that they are not confronted with their accusers; and that they are not allowed to appear in self-defense, is in open contradiction to the express provisions of our statutes. As a matter of fact, Article 20 of our Constitution of 1857, grants the following guarantees to the accused in criminal cases:

1. That the cause of the proceeding and the name of the accuser be made known to the accused.

2. The preliminary examination of the accused must be held within forty-eight hours from the time he is placed at the disposal of the judge.

3. He may cross-examine the witnesses who testify against him.

4. Such information as the accused may need for the purpose of answering the indictment must be given him, if it be in the record.

5. He must be heard in his own defence either in person or by some attorney of his own selection, or by both, as he may elect; and in case he should have no one to appear for him he is furnished with a list of lawyers appointed for such cases, and is given the right to select as his attorney any one whom he may think proper.

We have copied in our constitution from the Anglo-Saxon system of jurisprudence the writ of *habeas corpus*, the great conquest of the Anglo-Saxons, which guarantees life and liberty to man, and which places under the control of the judiciary the otherwise arbitrary orders of those in authority; but we have gone considerably farther in this direction, and under the name of *amparo* have extended this guarantee so that it is not limited to the protection of personal life and liberty, but embraces all rights under the Constitution—including the right of personal property, even when such rights have been defined by judicial decisions. If, for instance, a man finds that his property, or any other of his constitutional rights, are interfered with, either by civil or military authority, or even by a judicial sentence of a federal or state court, he may apply to the respective federal district court having jurisdiction thereof to at once suspend the act complained

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of, and finally to decide the case, either in his favor or against him, the decision always coming for revision to our Supreme Court.

Some American citizens who are tried in Spanish-American countries expect that the proceedings there will be conducted in accordance with the legislation of their own country, and, when they find it otherwise, they complain bitterly, considering the Latin proceedings as inquisitorial, outrageous, and even barbarous; and complaining that they are not tried under the laws in force in this country, as if the legislation of the United States should extend to foreign countries. My experience has shown me that this is sometimes the cause of serious difficulties and misunderstandings between the United States and some of the Spanish-American republics.*

I often hear the complaint, too, that under the Roman system the trial proceeds slowly, and it is asserted that criminal trials in the United States terminate more speedily. I am not prepared to say under which of the two systems of criminal procedure the trial is sooner brought to an end. When the trial actually begins it may take a shorter time in the United States, because, once begun, it cannot be interrupted. It often happens, however, that a long time elapses before a case is brought to trial; and this time is longer when a new trial is granted. It should be borne in mind that most of the courts in this country hold sessions but for a few weeks or months at a time, and that only during these

* As an instance of the kind of charges made against Mexico through the press by irresponsible parties, I will mention a case which recently occurred. A telegram dated at Omaha, Neb., on November 23, 1895, and published broadcast by the papers of this country, stated that Col. W. A. Paxton, of that city, had received a letter from Mac Stewart, an old employee of his, who was under sentence of death at Parral, Chihuahua, Mexico, for shooting a policeman who was trying to kill him for a trivial offence, and stated that Stewart desired to be placed in a court where he would be allowed to plead self-defence, which he pretended was not permitted under the Mexican laws. What has already been said about the Mexican criminal jurisprudence is enough to show how entirely unfounded such a statement was.

Whenever I notice any complaint of this character in the newspapers, it is my custom to communicate the same to the Mexican Government and to request an official investigation of the case, so that I may rectify the statement, if it should prove to be incorrect, or remedy the wrong before it assumes a serious aspect, if in fact there should be any real cause for complaint. In due course I generally receive an official statement which is almost always at great variance with the complaint. In this particular case, the facts in it turned out to be that Mac Stewart abused a policeman who was unarmed, and, following him to the post-office, at Parral, fired upon him without the slightest cause, killing him instantly; that, not satisfied with this, he killed the policeman's horse, and then fired upon the Chief of Police who arrested him. It further appeared that this was his second offence of this character, as he had killed before in Mexico a man named Rogers, a United States citizen. In the case of Rogers, Mac Stewart was acquitted, and upon the trial for the murder of the policeman he was allowed to plead self-defence, but failed utterly to establish it, as all the witnesses examined, including an American citizen by the name of Davis, a friend of Mac Stewart, testified that there had been no provocation on the part of the policeman, and that the accused had committed a wilful and wanton murder.—M. R.

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sessions do they hear cases. In Latin-American countries, on the other hand, the courts are open and working all the year round. Morover, under the common law system the whole of the trial takes place before the jury, so that the exclusive attention of the court is necessarily devoted to that case. Only one case, therefore, can be tried at a time. In Latin-American countries a judge may try several cases concurrently, because, even where the jury system has been adopted, as it has in Mexico, a great portion of the proceedings takes place before the judge without the jury. As a consequence of this, trials in this country, by reason of the crowded condition of the dockets, are often delayed for months at a time, while in the Latin countries trials begin as soon as the prisoners are arrested.

I often hear in this country great complaints made against the Mexican prisons, which are said to be uncomfortable and sometimes considered almost filthy. It is a fact that some prisons in Mexico are in a very poor condition; that, however, is a result of the limited resources of the country. A poor country cannot afford to build magnificent prisons, yet notwithstanding that we have to contend with want of means, we are building fine penitentiaries in the City of Mexico and in the capitals of some of our States; prisons which may be advantageously compared with any to be found in this country.

Prisons cannot be as comfortable as palaces or hotels; and even in this country, with all its wealth, advancement and prosperity, prisons are sometimes very objectionable. If we had two sets of prisons in Mexico—one for Mexican citizens and the other for foreigners—and if the former were more comfortable than the latter, the citizens of this country would have reason to complain, but if we treat them on an equal footing with our own citizens, and if we give them the best we can—that is, if we keep them in the same building, provide the same food and extend to them the same conditions that we do to our own citizens—I fail to see how there can be any cause for complaint.

It should not be difficult to see which system of criminal jurisprudence is, on the whole, best calculated to do justice by ascertaining the real facts of the case, whether by a judge of long experience and proficiency in his profession, with no personal interest in the cases tried before him, or by a jury composed of men who have no experience in criminal jurisprudence. If the judge may

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sometimes be derelict in his duties, so also may the jury occasionally be controlled by their emotions. If the judge fail to do his duty, his failure will be corrected by an appellate court, as all cases must be reviewed upon appeal. For the improper verdict of a jury there is often no adequate remedy. The Anglo-Saxon criminal jurisprudence is founded upon the principle that it is better to let one hundred criminals go unpunished rather than to inflict that punishment upon a single innocent person. The Latin system, while it accepts that humanitarian principle, is nevertheless better calculated to prevent the escape of a criminal unpunished.

There is a provision in our Constitution which is often misunderstood and which has given rise to the idea that we sometimes administer justice in too speedy a manner and with a complete disregard of the forms of law established for the protection of human life. Our Constitution commences with a declaration of the rights of man, taken in a great measure from the declaration of the French National Assembly during the Revolution, which in its turn was, in a great measure, taken from the Declaration of Independence of the United States. These rights secure the most ample liberty and immunity both to the person and property of the inhabitants of the country. While our Constitution was being formed, however, it was contended that on extraordinary occasions, as in case of war, or other serious danger to society, the rights guaranteed by the Constitution might stand very much in the way of inflicting needed and speedy punishment. To obviate this, the Constitution itself, in Article XXIX., provides that the rights of man, as guaranteed by that instrument, excepting such as secure his life, may be suspended for a short time, in certain emergencies, provided that suspension be upon the President's initiative and with the consent of Congress; and provided further that the suspension shall be applicable to a class; that it shall not apply to an individual; and that it shall be for a brief period. If it should be found for instance that the crime of derailing railway cars, either for the purpose of robbing them or for any other unlawful end, should become frequent, and if it should be found that the emergency called for extraordinary measures, the President would ask Congress for the suspension of the personal guarantees of this class of criminals for a limited period, say six

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months; and if Congress should sanction this suspension, a summary criminal proceeding would be established, for the purpose of inflicting punishment without delay, thereby deterring others who might be disposed to commit the same crime. At the end of the period fixed, public confidence would have been restored, and there being no further need for the unusual measures adopted, the suspension of constitutional guarantees would come to an end. It will be seen that our constitution provides a speedy way for punishing criminals in extraordinary cases, without the unfortunate need which the condition of things has sometimes made necessary in this country—especially in California in former years—of establishing a committee of public safety to preserve order, a proceeding which meant that the people took the law into their own hands, acting without regard to the usual legal forms and oftentimes in a manner closely resembling Lynch Law.

When we pass from criminal to civil jurisprudence, the superiority of the Roman law is incontrovertible, and a few remarks on that subject will be pertinent in this case.*

One of the most conclusive proofs that the Roman law is not inferior to the English common law is that England, the very country where it had its birth, was obliged to establish two systems of civil jurisprudence, one the Common Law proper, which was administered through the older and ordinary courts, and the

*In an admirable address that Judge Martin F. Morris, Associate Justice of the Court of Appeals of the District of Columbia and Professor of Constitutional and International Law, Admiralty, and Comparative Jurisprudence, in the Law School of Georgetown University, District of Columbia, delivered before the graduating class in 1891, he said, referring to the subject of the common law and the Roman law (pages 30 and 31) the following:

. . . "But, however it be in criminal cases, I have no hesitation whatever, after a long experience of it, to assert that, as a mode of determination of civil causes and private controversies, the genius of man has never yet devised anything more absurd than the organized ignorance and besotted prejudices of twelve men in a jury box. The man who has a good case is always desirous to have it taken away from the determination of a jury and to submit it, to the arbitrament of a court alone—to the arbitrament, in fact, of any one other than the twelve men in the jury box; while the dishonest litigant, the unprincipled lawyer, and the speculating knave, are ever loud in their demands for trial by jury; for only upon the prejudices, the passions, the ignorance, or the corruption of juries can they base their hopes of success. This is the experience of every man who has had to do with courts of law, and it speaks volumes to the discredit of the system. Then the divided responsibility of court and jury, the necessity of immediate decision by the former of questions of law upon which appellate tribunals often deliberate for weeks and months without coming to a satisfactory conclusion, the consequent necessity of repeated trials before a final decision is reached—all contribute to render the system exceedingly unsatisfactory in its methods, no less than its results.

. . . We think we are fully justified in the assertion that there is no one feature of our jurisprudence that tends more in practice to a denial of justice than the system of trial by jury. It may, perhaps, have done well enough in a barbarous age, when judges may not have been more intelligent than juries, and may have been, in fact, the tools and minions of despotic power; but in this age and country it is nothing more than a relic of feudal barbarism."

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other the Roman Law, administered through the chancery or equity courts. Law is supposed to be the perfection of justice and the best expression of human reason; it should then embrace not only equity, but the very essence of justice itself. If, therefore, a particular law or system of law fails to include equity, that law or system cannot be perfection. The very idea that equity can be a thing outside and different from law seems contradictory and absurd.

Although the chancery or equity courts were in the beginning established in England only for the purpose of trying such cases as could not be reached by the common law, or in which the processes of the common law courts afforded no adequate remedy, the Roman law came finally to be in reality the law which was intended to fill the gaps and remedy the defects of the common law. The common law courts were always very jealous of the equity courts; but after the decision of King James I., in the controversy between Sir Edward Coke, on the one side, representing the common law courts, and Lord Ellesmere, the Lord Chancellor, and Lord Bacon, on the other, representing the equity, or Roman law courts—it was established that a man might have recourse to a court of equity in many cases after his rights had been adjudicated at the common law courts. The establishment of this principle was equivalent in fact, though not in form, to giving an appeal from the courts of common law to the courts of equity, thus recognizing the superiority of the Roman over the common law system. It is true that the equity courts could not reverse the decision of the common law courts, but if in the trial of the same case an equity court reached an opposite or different conclusion, the judgment of the common law court could not be executed, and became, therefore, in fact nullified.

I am well aware that a common law lawyer will not admit that the equity courts can reverse the judgment of the common law courts, because legally and technically that cannot be done; but as a matter of fact such is the practical consequence of the system as it now exists. If a common law court, for instance, decides a case against the defendant, and if after that decision the defendant finds proofs to establish his contentions, he may still go to the equity court, present his proofs and ask that the plaintiff be enjoined from executing the judgment against

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him ; and in such cases the equity court has jurisdiction to grant such an application. In a case like the one cited the equity court does not pretend technically to revise or reverse the judgment of the common law court ; but by granting the injunction against its execution it practically effects its reversal ; and such a system therefore actually produces the same result as though the equity court were a court of appeals.

The American people, with their practical common sense, have remedied a great many of the defects of the common law practice in civil cases, changing it gradually to such an extent that now it can hardly be said that the English common law system, as expounded by Blackstone, is in force in the United States. It is still called the common law, but for all practical purposes it is almost superseded by the Roman law.

Even as regards the jury system, and notwithstanding the fact that this has been considered the corner-stone of common law criminal jurisprudence, some States of this country have, as I understand, changed the foundation of that system by not requiring a unanimous verdict for the conviction of the accused.

The very country which established, and for years maintained, the common law has practically superseded it by the Roman jurisprudence. In one of the acts of the British Parliament passed in the years of 1873, 1874 and 1875 the whole system of English Courts of Justice was remodelled after the systems prevailing in countries which had adopted the Roman law, and it was provided that when the rules of common law and those of equity come into conflict, the latter shall prevail. Such a provision is almost equivalent to repealing the common law itself.

The literal application of the common law, is I think, another of its disadvantages. A Common Law judge is bound to apply the law in its literal meaning, even in case that may involve a denial of justice, while a Roman law judge applies the letter of the law to the case where it fits exactly, and has some discretion to be guided by the meaning and object of its statute, rather than by its literal words when its words conflict with justice or equity.

American lawyers, in arguing cases, and judges in deciding them according to the practice under the common law system, are controlled almost entirely by precedents, and while considerations of justice and equity are sometimes indulged in,

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they have legally but little weight. Such a system is very unsatisfactory, because, each case being different from every other, the decisions in the one cannot be made to exactly fit the other. Moreover, it entails a herculean task upon the lawyers and judges, making it obligatory for them to search for precedents not only in the courts of their own country, but even in those of England. With the Justices of the Supreme Court of the United States, this work is still more arduous, since they must examine and be familiar with not only all cases decided by the various Federal courts, but by all the courts of the forty-five different commonwealths which form this Union, each with its own distinct legislation, and with the Roman law also, as the State of Louisiana has adopted it, entailing besides the need of keeping a very large library. Doubtless, no public functionaries under the Federal Government have more arduous work imposed upon them. The day is not long enough to permit its completion, and I have personally known more than one who have broken down under that tremendous strain.

This condition of things shows that the common law is still in its rude and primary state, viz., still setting precedents. After sufficient precedents have been collected to form a code, they should be codified if the United States shall not previously have accepted in its entirety the Roman law. The Roman law had to pass through these different stages, and it passed them all, until it assumed the shape in which it is at present. It has been fully digested, and its principles formulated into simple rules, while the common law is yet in process of development, still passing through the primary stages.

I hope that these few observations, which have been written without preparation, will assist in dispelling the misapprehension which exists in this country regarding the criminal jurisprudence of Spanish-American nations, and in that way contribute to the better understanding between the United States and her sister Republics. A careful study of the Roman system of jurisprudence by Anglo-Saxon judges, lawyers, and statesmen has resulted in the adoption of many features of the Roman law, and a careful and comparative study of both systems would very likely lead to a conclusion in favor of an eclectic one, which would combine the best features of both.

M. ROMERO.

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WHY WOMEN SHOULD HAVE THE BALLOT.

BY THE LATE GENERAL JOHN GIBBON, U. S. A.

I HAVE been seeking for some years a good, sound reason why women should not vote, and I have, after diligent search, found *one*, and only one. *It* is because they are women. There is no other, so far as I have yet been able to discover, which rises above the frivolous. Various so-called reasons have been urged, indeed: women, it is said, are weak, foolish, frivolous, dependent; they can't fight; they have other and more important duties to attend to; they have all the rights they ought to have now; they are protected by men's votes, and so forth, but the real and only reason is that they are women. There are men, and plenty of them, against whom all the considerations enumerated above, except that of sex, can be urged as reasons why they should not vote; but they are never urged against *them* because they are *men:* that is, they belong to that class which heretofore has had the *power* to say who shall vote.

Women have life, property, opportunities for pursuit of happiness, to protect just as men have. Why should they not have the same means of guarding these that men have? The only reason is that they had the bad luck to come into the world as females, and man got "the drop" on power first.

Protection by proxy will not hold for a moment. In this country no man is willing to admit that his rights can be protected by the vote of another. No such doctrine as that has ever been admitted here, and men would laugh it to scorn even when the man whose right to be protected was a black man just emerging from an ignorant, degraded servitude. So well was the absurdity of such a theory recognized that, for their protection, the right to vote was placed after the war in the hands of persons, many of whom were but little above the brutes, provided always

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they were fortunate enough to have come into the world *males*.

Man, in the aggregate, says in his might that certain classes of persons shall not vote, and specifies non-citizens, paupers, convicts, idiots, and women; and these classes are excepted for the good of society—all except the women. An idiot, even, might see why a pauper and a convict should not vote, and if he is an honest idiot he might have a glimmering as to why he himself should not; but it would puzzle him to tell why a woman should be put in the same class with himself, the pauper, and the convict.

Suffrage, it is said, is not a *right*. Perhaps it is not; but, then, neither is life, liberty, or the pursuit of happiness—*in some places*. In this country, however, it was solemnly declared over a century ago that these are amongst the inalienable rights of mankind, bestowed upon them *equally* by the Creator, and that, to secure them, governments are instituted among men, deriving their *just* powers from the consent of the governed. No such right had ever been more than dreamed of before that, and we have been ever since striving to make good the assertions of our forefathers. We have succeeded, too, pretty well, considering the difficulties in our path, one of which was a four-years' slaughter of our brothers to force them to acknowledge the truth of the words of our ancestors.

There are some things not yet made exactly straight, and in striving to point out what they are, we are met at the very threshold by two pertinent enquiries: (1) Is woman a "person"? and (2) Is she governed with her "consent"? It is scarcely worth while to offer any argument on the first question, as probably almost all will acknowledge that she *is* "a person." So far as the second is concerned all must accept it as true that she is governed with her consent, just as the other members of the class in which she is placed by man are governed with their consent, namely, the non-citizen, the pauper, the convict, and the idiot.

An eminent divine recently declared that the old maxim that there should be no taxation without representation is utterly inapplicable to this question of woman suffrage; but he failed to give any reason, good or bad, for his assertion, although he attempted to offer some excuses for it.

Women who are taxed, he urged, are represented by their

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relatives, potent influence, by men's sense of justice, chivalry, etc. All of which amounts to this: the paupers, the convicts, the idiots, and the aliens are represented in the same way, leaving out the "chivalry," which is a very poor representative with a great many people.

All we have to do to set aside this argument of "representation by proxy" is to recall the very many women who have no "relatives," "influence," "sense of justice," or "chivalry" to represent them. They have to go without even this poor representation, and thus inequality and injustice are perpetuated. It is gratifying to know that "women's property" is better protected than men's in *one* State; but is it true that this protection is better in *all* States, or as good? As long as this is not so, just so long are inequality and injustice maintained in violation of our fundamental law.

A woman being "a person" is *a citizen* of the United States (if born or naturalized in them), by virtue of the amendments which abolished human slavery in this country; and by the same amendments every "citizen" is entitled to all privileges and immunities under the law and to its equal protection.

If women have progressed towards an approach to the *equal* protection of the laws, it has been due more to the progress of human affairs in this century than to any thing else; and it is possible that much of this progress has been due to the influence of women in rectifying a state of affairs which would not originally have existed if women had been represented by their own votes, instead of being represented by man's "chivalry," etc. Representative "chivalry" may do very well for those fortunate enough to possess it, but if *all* could appeal to it with confidence and security there would no longer be any need for whipping-posts as a punishment for wife beating. This progress in public sentiment has wiped from the statute books of some of the States laws which were a disgrace to the age; and which would never have been there could women have applied in time an ounce of prevention.

Having demonstrated, as I think, the woman's clear right constitutionally to the ballot, it may be well to note some of the evils which, in man's imagination, are going to follow the granting of this right.

To my mind one of the funniest of these apprehensions is the

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possibility of man's being "jostled," or woman's being insulted, at the polls. Are men jostled at the church door, at the theatre entrance, or at the ticket office? Or are women insulted there? Is there any more chance of jostling or insulting at the polls than at any of these places? On the contrary, are not the chances less at the polls than anywhere else? I refer now, of course, to *this country* alone. How long would it take an American public to discover that a woman with temerity enough to "jostle" a man, or a man foolish enough to insult a woman there, was grossly outraging the highest prerogative of American citizenship?

All sympathy bestowed upon women who may be told they must vote, and all talk about how very difficult it would be in this case "to make the horse drink," are entirely wasted. We do not tell even men in this country: "You must vote." It is made their privilege to exercise the right of franchise. All true Americans then look upon this right as a *duty* which they perform with greater or less conscientiousness. Nearly all others are drawn to the polls by the wiles of the politician who needs the votes, or by the wealth of the rich who crave office and influence. It needs no very close study of human nature to predict which, under such circumstances, will perform most faithfully the patriotic duty, the woman or the man. If the woman does not come out ahead in that race, she will fall short of the just expectations of mankind, and belie her past history. The trouble with her now is that she does not clearly see what her duty demands. She occupies the position of a child who does not want to take medicine which will do her good, because it looks bad or tastes bad, and man is doing everything in his power to confirm her in the notion that her instincts and prejudices are well founded. She does not know what a power for good this ballot is. She has been so well taken care of in this country that she cannot imagine herself any better off, and is perfectly willing to think that this state of things will last forever, and that no retrogression is possible. If you invite attention to the fact of the large number of ignorant votes which go towards creating the law-making power under which she lives, her only thought apparently is the dread of coming in contact with the dirty, ignorant casters of those votes when she may be called upon to go to the polls; and in this thought she is industriously encouraged by political man,

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who does not desire to increase a class of votes which he may not be able to influence, and knows he cannot buy.

What the result would be is not quite so much a matter of conjecture as the Bishop of Albany appears to think, for the problem of woman suffrage has already been partially solved, and the solution is growing in strength day by day, as the conviction becomes forced on the community where the experiment is in process of trial, that the ballot in the hands of woman, so far from being an evil, is a positive blessing. The fear, in those communities, that a few thousand votes deposited by fallen women can hold the balance of power in an election against the many, many more thousands of women who are alive to the full importance of the franchise privilege, is no longer felt. Such fears need no longer excite the apprehensions of theorists carried away by the "enormous and awful probability of a vote that *might* turn the tide of an election, purchasable by the highest bidder." Let those who entertain such apprehensions rest easy. The man who should win his election by the purchase of such a vote would be speedily relegated to the walks of private life by the votes of women whose duty it would then be doubly strong to cast them. It is rather dangerous and illogical to draw a conclusion "through an imaginary premise," and that is exactly the pit I fear the Bishop of Albany fell into when he declared it to be a fact "that to multiply suffrage means to multiply *every kind of vote* by two." Such is *not* the fact. Experience in woman suffrage does not show it. Our knowledge of woman nature tends to prove directly the reverse.

There is, it may safely be asserted, no one question in which women have a greater interest than that governing the sale of liquor. In the abuse of liquor no class in the world suffers as do women. Will it be contended by any one conversant with the facts that if woman is given the ballot each "kind of vote" on this question would be simply multiplied "by two"? Does not our knowledge on the subject lead us to directly the opposite conclusion? Some years ago a crusade was started in a section of this country, by women, against liquor selling. They could not use the ballot in the question, for they did not possess it, and the men voters who (mis)represented them did not agree with them in their views. They therefore adopted a novel plan and proceeded to organize a campaign of prayer against the evil.

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Did it succeed? No. Every kind of ridicule was thrown upon the scheme, and the touching appeals to the Lord of Hosts were met by jeers, hootings, and derision.

Passing through a Western town at the time, I witnessed a sight which went far towards convincing me of the justice of the cause of woman suffrage. Near the depot where the train stopped I was startled at the sight of a group of women quietly kneeling in front of a liquor saloon, and evidently engaged in offering up a prayer in accordance with the resolutions they had formed to try and abate a nuisance which directly affected them, their husbands, brothers, and sons.

Perhaps they ought not to have been there. Perhaps that was not the way to bring about a reform. But it was the way they had concluded to try, and their method was entitled to a decent respect, even if none was felt by their chivalric representatives for the Power to whom their appeal was made.

The scene was a singular and novel one: the group of silent kneeling women; the lounging liquor-dealers looking on placidly from the doors and windows, and the crowd of men and boys gazing on. Suddenly the silence was broken by the sound of music approaching, and in a few moments a brass band, surrounded by a noisy rabble of boys, came sweeping round the corner of the street, halting close to the kneeling women. The band continued to play a loud, rollicking air, which drowned every other sound, as our train pulled out of the station.

The band, I presume, had a right to be in the street. It had a right also to play

"We'll never get drunk any more,"

or any other roistering tune its leader chose. But the outrage was none the less a great one, and one which never could or would have been perpetrated if these kneeling women and their sisters had possessed the right of franchise. Surely it will not be claimed by anybody that this is a case where chivalric representation would be of any service, or where, if the ballot were given to women, the prohibition or temperance vote would be simply multiplied "by two."

In this matter of the franchise, if justice is the aim, why should we bestow the ballot upon ignorance and deny it to intelligence? Why bestow it upon one who, in this nineteenth century, proclaims, in the face of all evidence to the contrary,

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that the sun revolves about the earth, *because he is a man*, and refuse it to one whose burning words in the cause of freedom have been translated into every living language on the face of the earth, *because she is a woman?*

When the war closed, many millions of men and women were made free. In order to enable them to protect their freedom, it was deemed necessary to place the ballot in the hands of the free-*men*. It did not apparently matter so much about the women; because, it is presumed, it was thought they could protect themselves or could lean upon the *chivalry* of the men. With all the power of the United States to back up the government, the black man had still for his protection to be endowed with the ballot. The women could get along without it, because they were *women*. The only qualifications were that the voter should be of age—and a *man*. It would have been well to add another qualification—that he should be able to read and write.

The next time we extend the suffrage it is to be hoped we will not repeat the same mistake, but bestow on women who can read and write the right to cast a ballot. Once in possession of the franchise, it would be strange, indeed, if she did not make a better use of it than ignorance and degradation have ever succeeded in doing.

That the day for the enfranchisement of women in this country is coming cannot be doubted by any one capable of reading the very apparent signs which have been shown for some years past. One of the most remarkable of these signs is the desperate struggle those opposed to woman suffrage are making to prevent its accomplishment. Desperate struggles are not made against attacks less formidable and persistent than those which have been waged so long in favor of placing woman on the same legal level with man, by putting in her hand the only weapon competent for her protection. These attacks in favor of the right of franchise have been varied in their success, but as a whole the advance has been marked and such as to excite the apprehension of the opponents of the measure, who are driven to forecast all sorts of imaginary evils as sure to follow the inauguration of this new and "untried" system of voting.

JOHN GIBBON.

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SOUND MONEY THE SAFEGUARD OF LABOR.

BY THE HON. ROWLAND B. MAHANY.

THE advocates of silver iterate and reiterate one cry—that gold is the money of the bankers, but silver is the money of the people.

This misleading declaration is cunningly advanced to distort into an argument for silver the fact that, even when the metals circulate at a parity—that is, on an equality of values—the gold coins being in the main of larger denominations (usually five and ten dollar pieces), the silver dollars have a greater currency among the people, simply because of greater convenience in the making of change or the settlement of small transactions. This convenience becomes at once a secondary consideration when the value or purchasing power of silver is impaired.

This government is now on a gold basis; that is to say, the nation stands pledged to redeem all its debts or obligations in gold. This is not the result of arbitrary legislation on our part, but a necessity imposed by the demands of trade and commerce. Foreign purchasers of American products pay in gold, and foreign creditors demand settlements in the same metal.

How would the free and unlimited coinage of silver at the ratio of sixteen to one affect our business, and especially our industrial conditions?

The advocates of silver ask the government of the United States to declare by law that sixteen ounces of silver are equal to one ounce of gold; whereas it takes in the neighborhood of thirty-one ounces of silver to purchase an ounce of gold in any market of the world, American or European. We are, then, to discard our present gold standard, recognized and honored in every business center on earth, and to adopt a fiat standard, recognized nowhere at its stamped value, not even among ourselves.

Who would be the chief sufferer by such a policy?

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Not the banker or capitalist, against whom the silver people are attempting to raise such hue and cry. The brains that understand finance and accumulate great fortunes can be depended upon to escape with a minimum of loss; but the maximum of disaster would fall upon the American laborer.

The moment the free and unlimited coinage of silver at the ratio of sixteen to one is adopted, that moment, in all the markets of the world, our silver dollar will be rated, not at its stamped value, but at its real value of 51 or 52 cents. Sixteen ounces of silver are worth only about one-half of an ounce of gold, and hence our silver dollar at the ratio of sixteen to one will be worth only about one-half of a gold dollar. Every man who has a dollar in gold will keep it, if he can pay his debts with a silver dollar worth only half as much as the gold dollar. This will withdraw gold from circulation here; and gradually all our gold—about $659,000,000 in coin and bullion—will cross the Atlantic to pay our foreign obligations that are redeemable only in that metal.

The withdrawal of our gold coin (aggregating $620,000,000) now in circulation would shrink our currency to the extent of one-third. This disturbance of our financial system would be rendered the more appalling by the immediate shrinkage in the value of our silver coin to one-half of its present purchasing power. The financial stringency of 1893 would be reproduced on a gigantic scale. Depositors in banks would demand the payment of their deposits in gold. Runs on these institutions would cause fifty per cent of them to close their doors. Notes could not be discounted, and employers doing business on a credit basis would fail. Workingmen would be thrown out of employment. Rates of interest would go up as the general ability to endure the burden declined. Crash and panic—each producing the other—would be the continuous order of the hour.

This state of affairs would be the first calamity to fall on American labor from the free and unlimited coinage of silver at the ratio of sixteen to one. The long train of consequent and subsequent evils almost defies description.

To Mexicanize our money means to Mexicanize our labor. It is a fact deduced from universal history that the rates of wages do not increase in proportion as the money in which they are paid decreases in value. There are few things slower than a rise in wages while the commodities or necessaries of life for which these

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wages are expended fluctuate in price from day to day. There are few things swifter than a decrease of wages in hard times. There is nothing that produces hard times more quickly than an unstable or fluctuating currency. It unsettles securities and deters investments. It destroys confidence, which is the mother of business enterprise.

That the American workingman, therefore, should desire the establishment of the least variable standard of currency seems to be the plainest proposition of common sense. The dollar paid to him in wages should be equal in purchasing power at all times and everywhere to that paid to the owner of a bond. A day's labor is the same in physical exhaustion whether the compensation for it is in dollars worth fifty cents or in dollars worth one hundred cents. What is more important, therefore, to the laborer than that the money standard of his wages shall be as fixed as the labor for which those wages are paid?

When there are two kinds of money, one cheaper than the other, capital will always endeavor to pay labor in the poorer currency, and to secure its own profits in the better. In addition to that, the laborer, under the silver *régime*, would be forever at the mercy of the market manipulators in exchange rates, and every disaster that occurred to depress industry would drive down the price of silver and force up the price of gold. The laborer, however, cannot hold his silver money until the market takes an upward turn for that metal. Unlike the rich man, the laborer, having but little money, must pay as he goes. He must part with his wages for the necessaries of life. When the market price of silver is down, he gets so much less for his money. In which currency, therefore, should labor, from any standpoint of common sense, desire to be paid?

Gold in all history has been the one universally accepted medium of international exchange. Until there is some agreement among the countries of the earth for international bimetallism, gold will remain the standard money of the nations. Labor, accordingly, should not be satisfied unless the reward of toil is paid in dollars that everywhere pass current at one hundred cents apiece. The American workingman should ponder the fact that poor money is the poorest agency in making poor people rich.

ROWLAND B. MAHANY.

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PETTICOAT GOVERNMENT.

BY MAX O'RELL.

WITH COMMENTS BY MRS. H. P. SPOFFORD AND MRS. MARGARET BOTTOME, PRESIDENT OF THE INTERNATIONAL ORDER OF KING'S DAUGHTERS AND SONS.

I.

I LOATHE the domination of woman, but I ever crave for her influence, and I believe that any man of refinement and thinking, that any lover and admirer of woman, will echo this sentiment.

I know of one country only where the government by woman was given a real trial, and that is New Zealand. The law was passed and the experiment was made. The law had to be repealed after six months. The government had taken such a tyrannical form that that loveliest of spots on the earth was on the eve of a revolution, of a desperate struggle for liberty.

Things were pretty badly managed in a small Ohio city when I was visiting it four years ago. The following year women put up their names as candidates for the City Council in every ward and were all returned. They did manage the city. The following year the experiment had been made, and not one woman was returned again.

The American men are so busy, so long absent from home, that many of their womankind have to find out a way of using the leisure time left at their disposal, with results that are not always altogether satisfactory. Some devote that time to literature, to the improvement of their brilliant native intellect; some spend it in frivolities; some indulge in all the fads of Anglo-Saxon life.

The women of good society in America are what they are

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everywhere else, satisfied with their lot which consists in being the adored goddesses of refined households; but there exists in this country, among the middle—perhaps what I should call in European parlance, lower-middle—classes, restless, bumptious, ever poking-their-noses-everywhere women who are slowly, but surely and safely, transforming this great land of liberty into a land of petty, fussy tyranny, and trying, often with complete success, to impose on the community fads of every shape and form.

If there is one country in the world where the women appear, in the eyes of the foreign visitor, to enjoy all manner of privileges and to have the men in leading strings, that country is America. You would imagine, therefore, that America should be the last country where the "new woman" was to be found airing her grievances. Yet she is flourishing throughout the length and breadth of this huge continent. She is petted by her husband, the most devoted and hard-working of husbands in the world; she is literally covered with precious stones by him. She is allowed to wear hats that would "fetch" Paris in Carnival time, or start a panic at a *Corpus-Christi* procession in Paris or a Lord-Mayor's Show in London. She is the superior of her husband in education, and almost in every respect. She is surrounded by the most numerous and delicate attentions. Yet she is not satisfied.

The Anglo-Saxon "new woman" is the most ridiculous production of modern times and destined to be the most ghastly failure of the century. She is *par excellence* the woman with a grievance, and self-labelled the greatest nuisance of modern society. The new woman wants to retain all the privileges of her sex and secure, besides, all those of man. She wants to be a man and to remain a woman. She will fail to become a man, but she may succeed in ceasing to be a woman.

And, now, where is that "new woman" to be found? Put together a hundred women, intelligent and of good society; take out the beautiful ones, then take out the married ones who are loved by their husbands and their children, and kindly seek the "new woman" among what is left—ugly women, old maids, and disappointed wives.

Woman has no grievance against man. Her only grievance should be, I admit, against Nature, which made her different from man; with duties different, physically and otherwise,

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almost always to her disadvantage. The world exists and marches on through love. I pity from the bottom of my heart the good woman who is not to know the whispers of love of a good husband or the caresses of little children, but I am not prepared to see life become a burden for her sake.

There is no possibility of denying or ignoring the fact. The purpose, the *raison d'être*, of woman is to be a mother, as the *raison d'être* of a fruit tree is to bear fruit. And woe to the next generations; for everybody knows that *only* the children of quiet and reposed women are healthy and intelligent.

The woman question will only be solved by the partnership in life of man and wife, as it exists in France, where, thank God! the "new woman" is unknown; by the equality of the sexes, but each with different, well-defined duties to perform.

The "new woman" is not to be found outside of Great Britain, where woman is her husband's inferior, and of the United States, where she is his superior.

The woman who devotes a good deal of her time to the management of public affairs is a woman who is not required to devote much of it to private ones.

Show me a woman of forty!

Look on this picture: eyes bright, beaming with joy and happiness, complexion clear, rosy, plump, not a wrinkle, mouth smiling. See her lips bearing the imprint of holy kisses, and her neck the mark of her little children's arms. She has no grievance. Ask her to join the "new woman" army. "No, thanks," she will say with a smile of pity, "the old style is good enough for me."

And on this: thin, sallow complexion, eyes without lustre, wrinkled, mouth sulky, haughty, the disgust of life written on every feature. That woman will join the ranks of every organization which aims at taking the cup of love away from the lips of every happy being.

But all this might take the shape of a long digression. Let us see how some American women devote part of the time which they are not probably wanted to devote at home.

I think that of all the grand fads indulged in by some women in America the palm should be given to the compulsory water-drinking work. That is a colossal illustration of what women can do when left entirely to their own resources.

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Now, I will lay down as a sort of principle that the "temperance" woman and the teetotaler are not to be found in refined society, and I don't think that in saying so, I shall run the risk of being contradicted. I have often been a guest at the Union Club, the Union League Club, the Manhattan, the Century, the Players, and many other good clubs, I have dined in the best houses of the great American cities, and nowhere have I met teetotalers in those circles of society. Refined, intelligent people of good society, artists, literary men are not teetotalers; that will be granted by everybody. I don't mention politicians, even of the best class, who have at times to be teetotalers to catch votes in a democracy.

The smaller towns of America—and that is America proper—are ruled by fussy, interfering faddists, fanatics of all sorts, old women of both sexes, shrieking cockatoos that will by-and-by make life well-nigh intolerable to any man of self-respect and make him wonder whether he lives in a free country or not.

Take two lively illustrations. A few months ago I was in the town of E. (Kansas). There was a mayor who was married, and the happy pair had a little boy. That little boy was a wicked little boy. One day he was caught smoking a cigarette. Now what should be done by sensible parents to such a wicked little boy? Why, he should be turned over and given a good hearty—you know! This is not at all what was done. The mayor's wife called up a meeting of women, made a violent speech on the pernicious habit of cigarette smoking, and it was decided to petition the mayor and ask him to forbid the sale of cigarettes within the precincts of his jurisdiction. For the sake of peace and happiness at home, the worthy mayor published an edict prohibiting the sale of cigarettes in his district. However, cigarettes can be had in the town of E., but you have to walk nearly a mile, just outside the limits of the mayor's jurisdiction, to find a store where a roaring trade in cigarettes is done. All the same, you must admit that it is a nuisance to be obliged to walk a mile, in a free country, to buy a little article of luxury that you indulge in, without ever abusing it, because there happens to be in the town a wicked little boy that once smoked a cigarette.

When I was in the town of T. (Arkansas), only a few weeks ago, I gave a lecture under the auspices of "temperance" ladies of the city. They called on me.

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Being of a rather inquisitive turn of mind, I said to them: "Now, ladies, I understand I am in a prohibition State. How do you account for your existence? Do you wish now to advocate the suppression of tea, coffee and icewater, which, I must say, would go a long way toward improving the complexion and the digestive apparatus of your fellow-creatures?"

"No," they said; "we find that, in spite of the law, there is liquor, wine and beer still sold in this town, and we want to put a stop to it."

I knew that such was the case, for I had, *proh pudor!* a bottle of lager beer in my pocket which I had bought for my dinner, but which, I am glad to say, was not discovered by the ladies under the auspices of whom I was to lecture in the evening. I can do with ice-water, but in a prohibition State I cannot. The evil spirit prompts me. I must have beer or wine with my meals. I have never been drunk in my life; but if I ever get drunk, it will be in a prohibition State.

"Well," said the lady president of the temperance society of the town of T., "could you believe that, a few days ago, a poor woman of the town and her children actually died of starvation, while every day her husband got drunk with the wages he received?"

"But," I mildly suggested, "you should see that that man was punished, not the innocent population of this town. Don't suppress the wine, which is a gift of God: punish—suppress, even, if you like—the drunkard. It is not wine that makes a man drunk, it is vice. Don't suppress the wine, suppress the vice, or the vicious. Imprison a drunkard, lynch him, hang, shoot him, quarter him, do what you like with him, but allow hundreds of good, wise, temperate people, who would use wine in moderation, to indulge in a habit that makes men moderate, cheerful and happy."

My argument was lost on them.

Every year there are men who use knives to stab fellow-creatures; but there are millions who use their knives to eat their meals peacefully with. The law punishes the criminals, but would not think of suppressing the knives.

Any law is bad that punishes, injures, or annoys thousands of good, innocent people in order to stop the mischief done by a few —a very few, after all—blackguards and scoundrels.

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These Christian ladies left me certainly unconverted, and took their revenge by not paying me my fee after the lecture, which confirmed me in my firm resolution never to have anything to do with angels—this side of the grave.

The Anglo-Saxon should by all means preach temperance, which means moderation, not total abstinence. What they preach overreaches the mark and does no good. When you say that a country enjoys a *temperate* climate, that does not mean that it has no climate at all, but enjoys a moderate one, neither too hot nor too cold.

These same Anglo-Saxons should not despise, but admire and envy, those who can enjoy, like men of understanding, like gentlemen, the glorious gifts of God to man without ever making fools of themselves. For these, the law should be made.

If your husband or son, dear lady, would like to have a glass of wine or beer with his dinner, let him have it in your sweet and wholesome presence. Don't make a hypocrite of him. Don't compel him to go and hide himself in his club or, worse, in a saloon, or, worse still, don't allow him to go and lose his manhood's dignity by crawling on all fours under the counter of a drug-store.

There is no virtue in compulsion. There is virtue only in liberty.

Ah! how I remember admiring, in the hot days of blue-ribbonism in England, that free Briton I once met who had a yellow ribbon in his button hole.

"What's that you have on?" I said to him.

"That's a yellow ribbon," he replied. "I belong to the yellow ribbon army."

"Ah, and what is it the yellow-ribbon army do?" I inquired.

"What do we do?" he said, "Why, we eat what we likes, we drink what we likes and we don't care a —— for nobody."

There are well-meaning, most highly estimable and talented ladies who go about the world preaching temperance, that is to say, total abstinence, not moderation.

Now, as a rule, these ladies have special reasons for so doing. Very often they have led a life of sorrow and misery with wretched husbands, and they should be pitied. But hundreds of thousands of women have good husbands who have not to be cured of habits which they never in their lives indulged in, and

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who would be condemned to deny themselves every little luxury that helps make life cheerful when used with moderation and discretion, if the preachings of these often unfortunate ladies were to take the shape of laws.

I have often had to listen to self-confessed, reformed drunkards who preached to me who never was once drunk in my life. The thing is ludicrous.

There exist, among the Anglo-Saxons, people to whom the strains of Wagner and Beethoven's music say absolutely nothing, to whom the Venus of Milo is indecent. They declare music and the fine arts immoral, and if they had their way, they would close the concert halls and the museums on every day of the week. Because their minds are distorted, foul and even dirty, they would condemn people with lofty and artistic minds to never hear a masterpiece of music or behold a masterpiece of painting or statuary. I have met people who declared they would never again set foot inside the walls of the Louvre and of the British Museum. And if the Anglo-Saxon fanatics, those arch enemies of art, make a little more progress, the future of that great Institution, the British Institution, is not safe.

As everybody knows, there exist, in Great Britain and in America, thousands of people who declare the stage to be a most wicked and immoral institution. I have on the subject a rather pleasant reminiscence which illustrates how the Anglo-Saxons can combine the spirit of morality with the spirit of business. I once gave a lecture, in a town of some twenty thousand inhabitants in the State of Kansas, under the auspices of a society of lady reformers. They had engaged the Opera House for the occasion. I arrived at the theatre a few minutes after eight. The ladies in charge were in the ticket-office pocketing money as fast as they could. To my great gratification there was an immense house, which was due, no doubt, far more to the popularity of the ladies' philanthropic cause than to my own modest personality. When the crowd was in and seated, I asked to be led to the stage, and I said to the lady president of the society: "I suppose you have your seats reserved." "No," she replied, "I have not. I don't think I will go in, if you will excuse me. I am proud to say that I have never once in my life set foot inside a theatre." I literally collapsed. There were in that theatre some twelve hun-

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dred people whom these good ladies had induced to "sin" to fill the coffers of their society.

All these movements, headed by women, are in the wrong direction. They interfere with the liberties of a great people, and punish thousands and thousands of good, orderly, well-behaved people, to reach a score or two of bad ones, whom they often fail to reach and oftener still fail to cure. I repeat it, there are many hundreds of good people in this world for a very few hundreds of bad ones. The laws should aim at reaching the former and protecting them. This world is considerably better than the fanatics of all denominations and superstitions would make us believe. For eleven years, I have travelled all over the world, and I have never met any but honorable people to deal with. For instance, I have given 1,272 lectures in my life, and only once did I come across a man who behaved dishonestly toward me. He ran away with the cash while I was speaking; but then it was on Sunday and some good pious people said to me that God, in his wisdom, had punished me for my wickedness. I must say that I never could see very clearly why God, in his wisdom, should have allowed the thief to safely run away with the money; but the ways of Providence are impenetrable, and its decrees should not be discussed. I might add that the lecture was more of a harmless address—almost a little sermon on the duty of Cheerfulness; but two or three times it caused the audience to smile, and this is simply too awful to think of.

Yes, the world is good, very good, in spite of the calumnies that are constantly hurled at its face by the Pharisees of Anglo-Saxondom. Yes, full of good men, crammed with good women, and the excellent ladies of the Philanthropic societies of America should take it for granted that there are many, many good and virtuous people besides themselves.

You don't cut down an apple tree because there are two or three bad apples on it. You cut down the two or three bad apples, and all your efforts tend to see that the hundreds of good ones are made healthy, happy, and comfortable.

I have no hesitation in declaring, after five visits to this great and most hospitable country, that the American women of good society are probably the most intelligent, bright, and brilliant, and certainly the best educated and the most interesting, women in the world.

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But when I see what some American women can do in public life, outside of the beautiful sphere in which they were intended to reign supreme, I feel ready to appreciate and echo the remark that Frederick the Great was wont to make when he met a woman alone in the streets of Berlin :

"What are you doing here ? Go home and look after your house and your children."

MAX O'RELL.

II.

I HAVE sat silent at my table and heard foreign guests discuss, in a sweet way they have, the unpleasant points of American character, feeling that the obligations of hospitality and of good manners forbade reproof. But when we are put to open shame in print, the situation is somewhat changed. Still, it would be scarcely worth while to attempt answering the thin tissue of wrong conclusions found in Mr. Max O'Rell's witty, if rather incoherent, little article, if it were not—we will not say, for the old adage that a certain ugly thing can go round the world while the truth is drawing on its boots—but for the fact that his good-natured epigram may impress the superficial reader more strongly than it warrants.

In the first paragraph of this little chat of his, Mr. O'Rell assumes the incorrect postulate that the women of this country wish to govern. He mistakes ; they wish only the liberty to govern themselves and their own interests. He then makes the extraordinary assertion that wherever women have had the chance to govern they have developed a tyranny. Is it then possible that where men govern tyranny is unknown ? The women who are cited in chief support of the statement governed a single year, it appears ; but for how many thousands of years have not men governed, with perpetual revolt against their tyranny ? And are there not still some tolerably despotic examples extant ?

In continuing this line of remark our excursive visitor takes occasion to declare that it is the *raison d'être* of a woman to be a mother ; but he forgets to state that then also it is the *raison d'être* of a man to be a father ; which clears the equation of both members and leaves room for the development of the other affairs of life, perhaps opens the way for surprise that a woman

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who is petted and "literally covered with precious stones," should not be entirely satisfied, should not rest content as Fido with his gold collar, his silk cushion, his dish of cream, but should still see some errors to be corrected, and should try to make the way easier for those who are not petted and covered with precious stones. Woman, Mr. O'Rell further says, has a grievance against nature, "which made her different from man." The conceit of it! Ah, and the civility of it!

But really it is Mr. O'Rell himself who has a grievance. And his grievance seems to be that it is difficult in some parts of this country to obtain wine and beer at open tables, which he lays to the account of the exertions of some women and not at all to those of any men. And this reveals the *raison d'être* of his article, which—partly veiled by the slight rankle of an old hostility to the Anglo-Saxon, and by persiflage concerning women, who in one breath are called restless, bumptious, ugly, and dissatisfied, and, in another, bright, interesting, and the superiors of their husbands "in education and in almost every respect,"—is really that of a temperance tract.

Owing to the circumstance that, whether wisely or unwisely, certain women are interested in affairs public if petty, and in addition think it of less moment that he should walk a mile to make his purchase than that a whole generation of boys should be hindered in growth and stupefied in brain, Mr. O'Rell opens on them the vials of his merry wrath, and announces that they all belong to the lower middle class. As one reads, one remembers the exclamation of the young woman to another swift traveller, "What very poor letters of introduction you must have brought!" But it is a gratuitous assumption on the visitor's part. For the first principles of this government make a lower middle class here an impossibility. We do not recognize such a thing. Our government stands upon the will of the mass of the people. Education is within the reach of all. Those who have much property are unlikely to have an education superior to that of those who have little; and we have no other rank than that of education and morality. This is our theory, and we consider anything else unsound, ignoble, and unchristian. Owing to the absence of rights of primogeniture among us, money is too fluctuating an element to succeed in making and perpetuating classes. And although there must always be individual differences and

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preferences, yet our women, active in public ways, are as well born and as well bred as those who are not active, and the men who accompany them are their mates in parentage, discretion, and culture.

It is "a sort of principle," Mr. O'Rell says, that the temperance women and the teetotalers are not to be found in refined society. Such a statement shows the folly of accepting evidence on hearsay, of judging from scattered instances, of taking short tours through an immense empire and supposing one's self, however brilliant and kindly and observing—and in candor Mr. O'Rell is all this—able to become sufficiently acquainted with the varieties of type, to generalize from them and arrive at correct results. Mr. O'Rell may return and say without contradiction to his own country-people whatever he chooses, but he should not say to Americans, who know better, that the woman interested in affairs here is fanatic, sour, sallow, thin, wrinkled, unmarried or disappointed in marriage; or that the woman with her children's arms about her neck finds no incentive to improve the world before they shall go out into it, and to help remove the pitfalls where others have already fallen by the way.

In truth no more complete misstatement could be made than that involved in this "sort of principle." Frances Willard, as attractive now, when she is the "uncrowned queen" of a million followers, as when she was a blooming girl, is the welcome guest of drawing-rooms where the most delicate and cultivated women are proud and glad to meet her. And there is certainly no woman in the world commanding more refined society than Lady Henry Somerset, the daughter of a hundred earls, few lovelier in person and in nature, as earnest in the temperance movement here as in the other Anglo-Saxon stronghold. I mention these prominent names to avoid enumeration of others almost as well known.

Mr. O'Rell is behind the age in America. Time was when "the long-haired man and the short-haired woman" were pierced by the arrows of the scornful; but they set on foot and accomplished the greatest reform ever wrought in the history of humanity. Now they, and the fashion of them, have gone by. And it is not necessary to tell those that meet them every day, on the street, in the office, the shop, the college, the hospital, the settlement house, that the greater part of the

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women who are now taking their place as equal factors of life, of civilization, and of the welfare of the world, are young, well groomed, dressed in the best modes Paris sends us, neglecting none of the duties and none of the delicacies of manners and of living, agreeable, often beautiful, often married, with happy homes perfectly kept, with tender husbands of a nobler sort than they who hold a woman as their plaything and personal property, with dear children whose rosy health attests their care and whose future is their chief concern; when unmarried, remaining single for the same good reason that many men give—because they choose to do so; and, when by chance no longer young, as beautiful and as fine as Mrs. Julia Ward Howe herself. Such women can well afford to dispense with the admiration of one who declares, "Ah! how I remember admiring" the man who said, "We drinks what we likes, and we don't care a —— for nobody!" And such women will decline to accept the smooth and pretty veneer of flattery with which Mr. O'Rell announces that the "American women of good society are probably the most intelligent, bright, and brilliant, and certainly the best educated and the most interesting, women in the world." For they know that there are women of other races all their equals, that the English woman is as well educated, that there is none more interesting than the polished Italian, the Spanish, the German, the Russian, and nowhere any more brilliant than the French woman, after whose sparkle they labor in vain.

H. P. SPOFFORD.

III.

THE request to comment upon Mr. O'Rell's article came to me immediately upon my return from a trip to the Orient; and the women of the East in all their degradation stood before my eyes. I seemed again to see their covered faces. In some instances one can distinguish those of them who are married from those who are unmarried, for the former are all in black. It seemed to be very appropriate that these should be dressed in mourning. They were mere beasts of burden; of not as much worth as the donkeys their husbands rode, while *they* walked! The piercing cry of a Mohammedan mother, as she saw her baby carried to the burial, sounded still in my ears. Her husband and

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all the men could enter the mosque, but she must remain without! And I cannot rid myself of the impression that the position of the Western woman will in some way in the future affect the position of her Eastern sisters. The light that comes to us Western women may some day dispel their darkness.

If all that Mr. O'Rell says of the American woman is true, I do not wonder at her unrest. "Petted by her husband, the most devoted and hard-working of husbands in the world, she is literally covered with precious stones. She is the superior of her husband in education and almost in every respect. She is surrounded by the most numerous and delicate attentions, yet she is not satisfied." If she were satisfied, she would be fit only for a harem. The "not being satisfied," of which the writer complains in the Western woman, only proves to my mind that she has a soul. She cares for the less-favored women who are not adorned or covered with jewels. As I write, the face of one of the richest young women of this country comes up before me. We were driving over a part of her great estate and talking on this very subject. I was conservative and spoke of my fears. Her look more than her words told me she was taking in a wider view than I had yet seen. She said: "If such great responsibilities had not been laid on me, I might not feel as I do, but I must act on my deepest convictions." As I think of her face, how I rejoice that it is not with her as with the women of the East who are covered with jewels, who look out of windows so arranged that they can see the great world without being seen by it, or being permitted to influence it! Ah! in the latter part of this nineteenth century, here in the United States, and in Great Britain, covering a woman with precious stones does not answer her nobler needs. She must work to make this world holier. To receive from God and to give out to one's fellows is the only way in which women as well as men can be made happy.

As to the happy wife and mother we are told to look at this picture: "See her lips bearing the imprints of holy kisses, and her neck the marks of the little children's arms." I know women too well to believe that the babies will be neglected, and I know all about the little arms around a mother's neck. But is a mother's interest in what concerns her children to end with their nursery days? Any problem that touches the home concerns her, and it is her duty to take personal interest in it.

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And that fact alone justifies women in making their influence felt either in public or private, when the safeguards of home are in danger. And as to those who do enter public life because of their interest in other questions, all I can say is that such of the women who are advocating the cause of suffrage as I personally know, are among the noblest women I have ever met, and there is in them none of the spirit of domination of which the author of "Petticoat Government" complains. They want to help right the wrongs; they want to help in the interest of good government as far as in them lies; for it would seem that those who do not wear petticoats have not yet succeeded in lifting this world into all the light and joy that are needed. It would be too much to hope that all women will be wise; but all men are not wise, or, if they are, it took time to make them so. I wish men could disabuse themselves of the idea that women want to be men. Nothing can ever make a woman aught but a woman, and not many will enter into public life. But I believe that the ideals before those who do enter that life are quite as high as those cherished by their husbands and brothers.

Mr. O'Rell tells us that the new woman is not to be found outside of Great Britain and the United States. So much the worse, then, for other countries! I wish I might have seen some evidence of the new woman in the East! For, let us remember, the real (not the sham) new woman is never a made-up woman. There is nothing unwomanly about her. What we need is more new women; as, just as surely, we need more new men!

Mr. O'Rell says he appreciates and echoes the sentiment of Frederick the Great, who was wont to say when he met a woman alone in the streets of Berlin: "What are you doing here? Go home and look after your house and children." I wonder what Frederick would have said to the thousands of men in clubs who leave their wives at home. Would it have been: "What are you doing here? *Go home to your wives and children.*"

I am making no plea specially for woman suffrage; there may be easily two opinions about that. I do believe, however, that what, as a girl of fifteen, I heard Lucy Stone say, is true: "What a woman can do well, she has a right to do." And what these things are she needs to be told; and she should be encouraged in the doing of them.

MARGARET BOTTOME.

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NOTES AND COMMENTS.

STORM TRACKS.

THE laws of Nature reveal themselves most clearly in the extremes of their manifestations; and the almost unparalleled recent series of tornadoes elucidates a principle which a few years ago was vaguely pointed out in Professor Grety's remarks on a meteorological phenomenon of the southern Alps.

"Whenever the highlands of Tessino and Savoy are invaded by exceptionally heavy snow falls," he says in a monograph founded on the observations of many years, "the mountaineers look for an early visit of the *Foehn-storm*, the warm south-wind from the Mediterranean, that anticipates the work of the summer sun, and often melts away massive snowbanks in forty-eight hours. That expectation is rarely disappointed. The *Foehn* comes like a prompt answer to the prayers of the snowbound highlanders, and it almost seems as if Nature, in the very act of sending afflictions, contrived to prepare the proper remedy, for the recurrence of the phenomenon is too frequent to doubt the fact that the snow-fields somehow attract the warm sea-wind."

The fact of the coincidence is confirmed by the weather records of half a century, but the suggested explanation is even more unsatisfactory than the ingeniously absurd attempt to account for the frequent alternation of warm and cold years. Severe winters, according to that hypothesis, seal up the outlets of the Arctic seas and thus prevent the icebergs from starting on their southward exodus. Dry, hot summers follow and release the imprisoned air-chillers, which drift equatorward in whole sierras, and naturally treat the summer tourists to a reverse of last year's experience. The originator of that theory may not have overrated the influence of floating ice hills, but overlooked the circumstance that cold winters tend to congeal the waters of the lower latitude and thus prepare abundant consignments of drift ice from less distant sources of supply.

Alpine snow-banks, a dozen feet thick, melt away in early spring with a suddenness that must be seen to be credited, but the *rationale* of their "attraction" for the warm south wind is a little too exclusively teleological. Nearly a century ago the traveler Burkhardt came nearer the true explanation in noticing the frequent reversion of the seastorms that sweep in spring over the plains of the Arabian peninsula. The *tramontana*, as the Italians call the cold wind from the other side of the Alps, is a continuation of the northwest gales that cross the Atlantic in winter and make themselves felt as far south as Cairo and Damascus, fringing the mountain brooks of the Lebanon with icicles, and driving the friars of Mount Sinai to the shelter of their cavern-cells. In cold winters they even invade Arabia,

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improving the drinking water of Mecca, and crossing the tableland haunts of the pious Wahabees, but meet their match in the plains of Arabia Deserta. In the Wad-el-Akhaff, or "Sea of Shifting Sands," the intruders from the northwest provoke the fury of counter-currents that not only resist their further progress, but chase them back, all the way across the Mediterranean, over the crests of the Apennines and into the highland glens of the Maritime Alps.

"There comes the *Foehn*," says the highlander, who hears the moaning of the nightwind in the swaying pines; "I did expect that last heavy snow would change the weather."

He instinctively recognizes a causal connection between the two phenomena, though he probably remembers that the last snowfall was attended with violent northwest gales. Less heavy storms from the same direction might mingle with the breezes of the Mediterranean, or spend their force on the ramparts of the Atlas Range; but this last *tramontana* tried to carry its conquests further and awakened the wrath of a counterblast. On the same principle an earthquake shock, after hurling back the waters of the ocean, evokes a reflux wave like that which overwhelmed Lisbon in 1755, and the seaports of Peru in 1823. Compressed steam recoils with force sufficient to turn the wheels of the heaviest machinery, and the pressure of conflicting air-currents initiates the rotary storms known as tornadoes or cyclones. The violence of such storms is proportioned to the degree of atmospheric resistance, for the same reason that powder, ignited in light package, merely flares up, but explodes with destructive force against an unyielding obstacle.

In the Indian Ocean, where trespass-freaks of the trade-winds encounter the expanding atmospheric strata of heated coast plains, the typhoon often rages with a fury "as if heaven and earth were going to return to their original chaos," and the recent monster gales, too, may be ascribed to a reaction against an excess of persistent air-currents.

The preceding six months had been abnormally warm. Since 1847 our Western and Middle States had not experienced anything like a similar mild winter. In the river counties of Kentucky, from Louisville down, the weather remained so warm that Indian summer and spring might be said to have met. In some of the Tennessee mountain districts black cattle were left to shift for themselves, and, in fact, found many too much better things to touch hay. Swarms of robins from the Yankee States went as far south as Alabama and there stopped to enjoy all the comforts of the Mexican tropics; squirrels exhausted their winter store before the middle of January, and had to return to their scraping grounds, like the California miners to the "tailings" of '49; birch trees put forth new leaves; children sent to the hills to replenish the salt-logs returned with bunches of violets; the old inhabitants did not know what to make of it and would not risk a prediction, for the prophetic groundhog, too, had refused to be stabled.

Here and there professional weather-augurs, indeed, expressed a misgiving that the strange winter would be followed by a queer spring, but the fulfillment of that prophecy came in a rather unexpected manner.

"Bluebells at Christmas, sleighbells at Easter,"

—but Easter Sunday was ushered in by mid-summer-night dreams. The growlers who had protested against the mild winter had real cause to complain of the hot spring. All through Kentucky, Indiana, Illinois, Missouri, and Kansas, April was a summer month. In the Southern Alleghanies the

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slumbering wood-nymphs awakened at least six weeks ahead of date; and on a trip from Lexington to Chattanooga I saw the foliage, flowers, and berries advanced before the end of April to the June status of ordinary years. The strawberry planters of Eastern Virginia had a splendid crop, but their prestige for once did not avail them against their inland competitors. Early berry-weather had prevailed from Cape Hatteras to the valley of the upper Missouri.

And throughout that precocious summer, south and southeast winds prevailed against the usual westerly gales. Tentative changes of programme were followed by a swift relapse. Twice in March and once in April the wind veered to the northwest, but the expected "three days' norther" was nipped in the bud before it could do any nipping of its own. Like a well entrenched conqueror the East American sirocco defied revolts. Its "sphere of influence," as the African land-grabbers would express it, extended further and further West, and might have held its own till the arrival of re-inforcements from the throne of the summer-solstice, if in the plenitude of its power it had not undertaken to measure its strength against the barbarians of the far north. About the middle of May air-waves of a semi-tropical temperature invaded Canada, and frightened the grain-farmers of the Red River Valley with the prospect of a severe drought, but caught a Tartar on the shores of Lake Winnipeg. The great woodland of the Northwest evolved areas of cool air that resisted coercion, and finally exploded upon the intruder with an energy that reversed the atmospheric currents of the whole Mississippi Valley, as far as Arkansas and northern Texas.

There, in the valley of another Red River, the defeated sirocco made a stand, and on the evening of May 15 burst upon the city of Sherman, Tex., and across the river into the plains of Indian Territory, as if it had tried to regain the lost ground by a single mighty effort. In Grayson County (Sherman) alone 120 persons were killed outright; the towns of Howe, Denton, Gribble Springs, and Justin were almost blown off the face of the earth, and the storm ended with torrents of rain that buried the ruins under hillocks of driftwood. Capt. W. S. Bostwick, of Sherman, describes the force of the first storm-blasts as equal to that of an avalanche. "A moment after I heard the rush of the whirlwind," he says, "I saw Mr. Berger's house blown into the air, and then Mr. Shearer's house. Trees and big timbers were whirled by like dry twigs, and just as I called to my folks to run for life, I felt our own walls shake. Then came an awful crash and a sense of suffocation, our house was gone, and myself and family were scattered about the yard under the débris."

Yet that fearful storm was far surpassed by the tornado which a few days after confirmed the repulse of the southern air-currents.

The afternoon of Wednesday, May 27th, had been unusually warm all through eastern Missouri. At 4 P. M. a thermometer in the shade of a leafy porch on the Old Manchester Road, St. Louis, rose to 96 degrees Fahrenheit, but gradually fell to 92 degrees, when the sun was blotted out by a dark cloud rising over Forest Park, in the west. Towards that cloud a brisk southeast wind suddenly set in, and thus started the great battle of the storm giants. Warmed by its contact with the atmosphere of the sweltering city, the southeast breeze rose, leaving a vacuum through which the pent-up air-strata in the northwest rushed in as through a floodgate. Cottages, trees, and lumber piles came whirling through the air like chaff, and the next minute the roar of the tornado mingled with the crash of larger buildings

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and the fearful shrieks of panic-stricken fugitives. "Don't come near that wall—it's giving way!" yelled an overseer when a swarm of fugitives made a dash for the shelter of a westside factory—"down, quick; fling yourselves down flat and clutch the grass!" But even that expedient failed of its purpose, and many prostrate refugees were torn up and whirled away like paper dolls. A sailor of the steamer "D. H. Pike" grappled the railing of the hatchway, but the cyclone broke his grip and saved his life by flinging him overboard, for ten minutes after the steamer came drifting down the river, bottom up. Twenty-six other vessels were utterly demolished; the river resembled a pool choked with the drift of a swollen mountain-torrent. In East St. Louis houses of two and three stories were blown down in rows; smaller buildings were scattered like card-houses, especially in the suburbs, where the storm was not checked by the barrier of massive blocks, and had things all its own way.

The fearful destructiveness of its full-sweep blasts may be inferred from the fact that they rent the solid masonry of the Eads Bridge—masonry designed to resist floods and drift-ice—and almost choked the shore-channels with rock avalanches. Where the cement had resisted demolition, the blocks of hard stone had been broken off as if by hammer-strokes. Four trains, together with the fragments of trucks and express wagons were piled up in front of the Vandalia freight depot; and in the two cities at least four hundred persons were killed on the spot.

Destructive storms also raged in Oklahoma, Iowa, Southern Illinois, Michigan, Kentucky, and Alabama, involving a loss of many millions and of an aggregate of at least a thousand human lives.

With few exceptions, the direction of these gales was either from north to south, or from west to east, thus revealing their ultimate cause as a reaction against the abnormally continued southeast winds of the preceding six or seven months. Two other remarkable analogies have been also noticed in the circumstance that five of the six most violent storms were preceded by oppressively warm weather, and that their proximate cause—their local provocation, as it were—was a gust of wind from a southeasterly direction. Four times they developed their main force in crossing a broad river valley.

F. L. OSWALD.

A PRESIDENT OF NO IMPORTANCE.

IT is often a source of surprise to travelers in Switzerland, to find that even Swiss people of more than ordinary intelligence do not seem to know, or to care, who may be their President at any particular time.

Such indifference seems incredible to Americans, because they have not learned that the Swiss political system is the least personal in the world; that its nominal head is, indeed, a President of no importance.

The truth is, the constitution of Switzerland does not intrust the executive power of the government to one man, but to a Federal Council of seven members, acting as a sort of Board of Administration. These seven men are elected for a term of three years by the two legislative houses, composing the Federal Assembly, united in joint session. Any Swiss citizen, except a clergyman, is eligible to the Federal Council, but not more than one member can be chosen from the same Canton. Vacancies are filled at the first ensuing session of the Federal Assembly, for the remainder of the term of office.

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Now, the President presides at the meetings of this Federal Council. There is also a Vice-President. The election of these two officers is characteristically Swiss, and is designed to create as little disturbance as possible in the governmental machine.

Every year the two legislative houses designate from among the seven members of the Federal Council the two men who shall act as President and Vice-President. In point of fact, therefore, the President of the Swiss Republic is only the chairman of an executive board; he sits at the head of the table; he receives a salary of $2,160, while his colleagues must content themselves with $1,920; he acts as a figurehead, to which foreign nations can address themselves; but he cannot be his own immediate successor. The members of the Federal Council also have the right to introduce bills or resolutions into the two houses, and to speak upon such bills or resolutions, though not to vote upon them. In return they may be interpellated upon any question.

Translated into the terms of American political life, the Swiss system means that the Senate and the House of Representatives, united in joint session, elect every three years a Cabinet of seven members, not more than one member from the same State. Every year Congress also designates the two men among the seven who shall act as President and Vice-President. The members of the Cabinet have the right to introduce bills into Congress, but not to vote. They can be called to account for the conduct of their offices.

Once elected, the seven members of the Swiss Federal Council distribute the work to be done into seven departments of (1) Foreign Affairs; (2) Interior; (3) Justice and Police; (4) Military; (5) Imposts and Finance; (6) Industry and Agriculture; (7) Posts and Railroads. The President, of course, holds one of these portfolios. A quorum consists of four members.

This Swiss Executive is quite unique among the various types of government. It seems to combine much of the stability of monarchical forms with the elasticity of the purest democracies. It is essentially a business arrangement. Should the bills introduced by members of the Federal Council be defeated, that body does not resign, as would be the case with ministries in England, France and other European countries. Indeed, one of the chief merits of the Federal Council is its independence of party mechanism. The seven members are not the nominees of one political party, but are recruited from several by mutual compromise, in order to represent various parts of the country and different interests. Moreover, the existence of the Initiative and Referendum also tends to free the Federal Council from the dictates of party bosses, for refuge can always be had in a popular verdict.

The Initiative means that fifty thousand voters shall have the right to *initiate* or propose the enactment, the abolition or the alteration of certain articles of the Federal Constitution. But, as the Swiss Constitution is comparatively loosely drawn, almost any subject may thus be introduced into legislation.

The Referendum means that Federal laws shall be *referred* to the people for acceptance or rejection, if the demand is made by thirty thousand voters or by eight Cantons.

Another characteristic of the Swiss people is their horror of anything like one-man power. Only once during their history have they accepted the rule of a chief magistrate, and that innovation was forced upon them by

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Napoleon I. during his career of conquest in Europe, when he held undisputed sway in Switzerland. But no sooner had he fallen at Waterloo, than they straightway abolished the office. In the same way, the Cantons of the Republic, corresponding to our States, are administered by executive boards in which the chairman is called sometimes Landammann, sometimes Schultheiss, or merely President; but in no case do his powers approach those of one of our State Governors.

Turning from the executive power in Switzerland to the corresponding factor in the government of the United States, we are confronted by a very interesting contrast. Is it possible that two countries, calling themselves Republics, can vary so much in the attributes of their Presidential offices?

The President of the United States is commander-in-chief of the army and navy; possesses a suspensory veto upon federal legislation and the privilege of pardoning offences against federal law; and finally is intrusted with an appointing power, unparalleled in any free country. He invites certain of his political friends to form a cabinet around him—his control over them being absolute. They are responsible solely to him, not to the nation. He furthermore appoints the Justices of the Supreme Court, so that even the highest judicial authority in the land is to some extent under his influence.

But, as though these sovereign attributes were not sovereign enough, a tendency has shown itself recently to invest the President of the United States with military powers in times of peace, never yet accorded to the head of any constitutional country. The financial policy of the United States is also being shifted by degrees into his hands, to be shaped by him, if he chooses, in entire disregard of the legislative branch of the government. This drift might not be so disastrous, were our successive Presidents in any sense true representatives of the nation. Unfortunately they must remain partisans, even while in office, by reason of the manner of their election. They are obliged to consult the demands of their particular factions, at the expense of public interest, if need be, because they cannot escape pre-election pledges or party pressure.

In dwelling upon these characteristics of the Presidential position, the writer does not wish to be understood as referring to any particular incumbent of that office, past or present. The purpose in view is merely to point out that the requirements are entirely beyond the capabilities even of our great men. No one can be expected to possess the profound and diversified knowledge of men and things which, to speak of but one difficulty, the wholesale distribution of offices, for example, presupposes.

It is no exaggeration to describe the President of the United States as a Partisan-King.

The question, then, naturally arises, whether the Swiss Federal Council does not present valuable suggestions to us in our Presidential predicament.

Here is the oldest Republic in existence, whose governmental experiments necessarily cover a wide field, managing to elect every three years a strong, able executive board of seven men, without a popular upheaval, without the expenditure of vast sums of money, or the wholesale distribution of spoils! It is satisfied to leave the choice of this board to the discretion of the representatives elected by the people. It finds plenty of men of ability and integrity, who feel honored to serve their country on this board for a small salary, because there is no mud slinging before election, and no persecution by hungry office seekers afterwards. It has discovered

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that national interests are best served by the retention of well-tried officials. As a bank, or any other business concern, prospers year in and year out under the management of the same Board of Directors, so does the Swiss Government under a Federal Council which rarely changes.

Switzerland's nominal head, this President of no importance, is an official who has no *ex-officio* rank in the army, who cannot launch a veto, or pardon a criminal; who has no offices to distribute, never chooses his associates in the Federal Council, and would consider it a public crime to try to influence the judiciary. As an individual, he cannot declare war or make peace; nor could he, by himself, determine the financial policy of the country. In fact, his position will even appear to many to be that of a political nonentity, until it is remembered that the Federal Council, of which he forms a part, is in reality an exceedingly powerful body, in whose hands the supreme direction of the country rests.

In their general political make-up, the Swiss Republic and the United States resemble each other more nearly than any two countries in the world, so that the two can well afford to learn from each other, without lowering their dignity. It may not be generally known that the bi-cameral system of the Swiss Government, for example, is a direct copy of our own Congress.

Up to 1848 the Swiss had always contented themselves with one legislative body (such as the Cantons have to this day), but when the revision of the Federal Constitution was undertaken in that year, students of international politics, men like Bluntschli and Rüttimann, declared themselves in favor of the creation of a second body. They pointed especially to the Senate of the United States. As a result, Switzerland adopted a bi-cameral system, consisting of a National Council, chosen in the ratio of one member for each twenty thousand persons of the total population, fractions of upwards of ten thousand persons being reckoned at twenty thousand; and of a Council of States, consisting of two representatives from each Canton, making a total of forty-four members.

The lesson which the Swiss Federal Council teaches us at this hour is that a Republic can unite incongruous, often antagonistic, elements in population, such as Switzerland possesses, and protect itself from foreign complications without indulging in a powerful and spectacular public head. Instead of increasing the responsibilities and sovereign attributes of the Presidential office, as we in this country seem inclined to do under the stress of military excitement and of financial fear, let his prerogatives rather be checked and his official burdens lightened. At present none but a mental, moral, and physical giant can ever hope to fill the office satisfactorily.

W. D. McCRACKAN.

THE NECESSITY OF LIMITING RAILWAY COMPETITION.

THE interstate commerce law, during the nine years since it was placed upon the statute book, has accomplished much that tends to justify the hopes of its advocates, and has even obtained from many of its opponents tardy acknowledgment of the wisdom and justice of its fundamental principles. The practice of charging more for a short intermediate haul of freight or passenger traffic than for a longer one in the same direction, which was among those appearing most unjust and consequently obnoxious to the general public, has been restricted to fewer instances and to those in which the circumstances of competition afford more apparent justification.

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The subjection of particular communities to disadvantage, by means of unjust discriminations in the relative adjustment of railway rates, has been discontinued in numerous instances to the practical benefit of the localities formerly discriminated against, and of the entire country, which is thus assured a more natural and symmetrical development. The tendency toward harmony in the charges for carrying competing commodities, different grades of the same article, and raw materials and their finished products, has been intensified by the acquiescence of railway managers in the spirit of the law, and its operation mildly accelerated by the adjudication of the complaints presented to the Commission created for its enforcement. The custom of making special rates to favored shippers, so prevalent prior to the enactment of the law that regular charges were exacted only from occasional and unsophisticated shippers, has been so far corrected that the vastly greater portion of all traffic is now charged full published rates and the law deviated from only in cases of most strenuous competition, when failure to yield to the force of conditions imposed by an unnatural, extravagant and wasteful rivalry, that is itself the creature of unwise legislation, would entail serious financial loss. Doubtless the preservation of railway properties from a threatened bankruptcy that, besides injuriously affecting all business enterprises, would inevitably bring ruin to thousands of innocent children and defenceless women—whose small investments in railway stocks and bonds were made largely because of the reasonable belief that the Government would not legislate so as to destroy or seriously cripple an industry created by private means to perform a necessary public service—does not justify the violation of a statute that forbids acts which, independent of legislation, involve no element of turpitude. Yet, upon the other hand, justice to those who were active in supporting those portions of the law which have resulted in preventing the railways from mitigating by agreement the force of competition for traffic, demands that we shall presume this effect to have been undesired and unanticipated.

Experience has demonstrated that the prohibition of pooling tends not only to deprive the railways of sufficient revenue to pay fair wages and reasonable dividends and interest, but also to foster unjust discriminations between competing localities and shippers, and to impose upon the entire public the permanent burden of meeting, by charges higher than those necessary under better conditions, the wasteful expenses incurred to maintain a competition that is effective at a few points only, and often for but few shippers, that is at once the prolific parent and devoted slave of trusts and combinations, and is beneficial to no one except the soliciting agent, the ticket scalper, the parasite.

The word "competition" is not correctly applied to the business of moving persons and property by rail, and, when suggested as having regulative value and importance, is deceitful, dangerous, and vicious; for however closely one line parallels another there are always many stations that are wholly dependent upon the facilities afforded by a single road, and no matter how actively the rival carriers struggle for supremacy at adjacent "competitive" points such local stations will remain at the mercy of a monopoly whose desire for gain is not diminished by losses sustained elsewhere. Not infrequently this pseudo-competition is for the traffic in a single important commodity, as grain, lumber, live stock, dressed meats, salt, or sugar; and the reduced rates, often secret, upon this commodity destroy, so long as they continue, the relative adjustment of charges and produce unjust dis-

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criminations against competing commodities which may materially and sometimes irretrievably injure those dealing in them. There have also been notorious instances of rates lowered to secure competitive traffic that have been accorded only to a single shipper of a particular commodity, thus excluding and discriminating against all other shippers and articles of traffic

Unification of interest is the alternative to competition. This does not require the actual merging of all railway corporations in a single organization, though it may finally appear that the most satisfactory results are attainable only in that way. The most practicable step in advance at present is the consolidation of railway interests, through legalized agreements, providing for the division of competitive traffic, made enforceable between the parties thereto and operating under the constant supervision of public authorities, acting not only in the interest of passengers and shippers but of the whole people, including those who own and operate railways. Contracts of this nature, popularly called "pooling" agreements, became common in this country during the years from 1870 to 1887 when the passage of the interstate commerce law made their discontinuance necessary. Though there were conflicting opinions, they were generally regarded as contrary to the policy of the common law and consequently not enforceable by judicial process, their observance depending wholly upon the good faith of the parties. As railway managers were so far impressed with the correctness of this view that they seldom, if ever, ventured to appeal to the courts for the enforcement of such contracts, it is practically correct to affirm that the legally recognized right to pool traffic or earnings has never existed in the United States, and therefore the proposition to permit and make them enforceable by the courts is one to endow railway corporations with a power never possessed by them in this country, a power to act in a manner expressly prohibited by comparatively recent legislation, and to invoke the aid of the United States courts in the enforcement of a class of contracts which from the foundation of the government has been regarded as opposed to public policy.

But the statement of the radical nature of the proposed legislation or the extent of its divergence from precedents, though frequently forced to serve in that capacity, is not an argument against it, but, on the contrary, imposes the duty of carefully scrutinizing the evidence upon both sides and of promptly acting in accordance with reason and justice. Those against it are uniformly vague, indefinite, or mendacious, and, in their most popular form, consist of statements of the vast capital, the large annual aggregate earnings, and the important public services performed by the railway system.

To those who advance these arguments it has apparently never occurred that the magnitude of the business and the importance of the services performed is a most cogent reason for bringing the railway system out of a state of chaotic internal warfare to a condition of compact, homogeneous autonomy. Nearly all of the difficulty attending satisfactory railway regulation arises from the existence of the former condition, which is also responsible for all unjust discriminations and the cause of many wasteful expenditures that result in exorbitant charges or bankruptcy. As ninety-five per cent. of all railway stations must, under any circumstances, be dependent upon a single line, and any desire to exact high rates is undoubtedly strengthened by losses at competitive points, it seems undeniable that the abolition of competition at the relatively few points where it now exists

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would reduce rather than increase the chance of any one being charged exorbitant rates.

The arguments favoring the unification of railway interests, and of legalized and properly regulated "pooling" as a long step toward that result, are generally allowed to rest upon the abolition of the unjust discriminations resulting from competition, but this is by no means the total good that would be accomplished. Such unification would certainly result in doing away with those extravagant features of present railway methods that are now kept up because their continuance, however costly, seems the sole alternative to greater losses through the diversion of traffic to competing lines. Any agreement for the division of traffic would necessarily include the discontinuance of the costly practice of paying commissions to secure the ticketing of passengers and shipment of freight over particular lines. This practice now costs many millions annually, which accrue, not to the benefit of travellers and shippers, but to that of middlemen, or, in other cases, become the cover for rebates and unjust discriminations. With traffic divided upon a basis independent of the amounts secured by the agents of particular lines, the absurdity of maintaining separate agencies for soliciting and receiving it would be patent. Joint agencies affording the public more satisfactory service would speedily be substituted for those of individual lines, with a considerable reduction in their total number and aggregate cost. Where one of two or more lines carrying traffic between the same points operates a route that is longer, has steeper grades or for any other reason, is more expensive, attention would soon be directed to the possibility of economy through sending all traffic over the cheapest route. The extent of the saving that might be effected in this direction is incalculable. Great loss to the railways, and indirectly to their patrons, results from the impossibility under present methods of utilizing cars and locomotives to anything like their full capacity, and the consequent necessity of a much larger investment in rolling stock than would be required under better conditions. The average service actually performed during the year ending June 30, 1894, by each of the 1,205,169 freight cars which cost the railways of the United States approximately $500,000,000, was equal to carrying a full load less than 4,500 miles, or to working up to full capacity but little over twelve days. It is scarcely consonant with the business sagacity correctly attributed to railway managers to believe that under conditions that would permit it they would not speedily secure better returns from the capital invested in equipment. Nothing is more annoying to shippers than the difficulty attending efforts to ascertain through rates on long distance shipments; and this, together with the conflicting rules and regulations in regard to traffic, established by railways in different sections of the country, constitutes a serious hindrance to the profitable interchange of the surplus products of distant regions. The convenience of railway managers as well as their perception of the desirability of easily understood and definite schedules of rates and plain, unambiguous rules of shipment would result in speedy simplification of rate schedules, rules, and classifications, and in a progressive movement toward ultimate absolute uniformity over the entire country, if the unreasonable jealousies and unnatural rivalries, that are the causes of the present conflict, were removed.

The foregoing are the principal advantages which will accrue to the public as a result of legislation removing the ban from agreements for the apportionment of traffic or earnings among competing lines. This change

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has been recommended by a resolution passed by an overwhelming majority at the Sixth Annual Convention of State Railway Commissioners, by the unanimous vote of a conference of representatives of the boards of trade and other commercial and mercantile organizations of our principal cities, by individual members of the Interstate Commerce Commission, by the author of the anti-pooling section of the present law; and a bill embodying it which passed the House of Representatives during the last session of the Fifty-third Congress was only defeated in the Senate by the obstructive tactics of a numerically insignificant minority. There is no proposition for legislation likely to come before the Fifty-fourth Congress which contains a greater element of justice, is more strongly endorsed by competent and experienced men, or is capable of being more far-reaching and more effective in its beneficial results.

H. T. NEWCOMB.

AMERICAN DIPLOMATS IN EUROPE.

AMERICANS who travel in Europe and mingle to any extent with the diplomatic society of foreign countries are invariably mortified at the parsimonious treatment American diplomats receive from the government of the United States. Underpaid in comparison with the representatives of other first-class powers, and provided with few, and in some cases no, secretaries, they are sent abroad to spend the first months of their missions in house-hunting and furnishing. They are, with the exception I believe of the Consul at Tangier, who is scarcely a diplomat, unprovided with official residences, and, unless they be millionaires, they find themselves without sufficient means to maintain the national dignity. Europeans, unlike ourselves, lay much stress upon the outward appearance of rank and power, and it is impossible for them to understand the shabby manner in which our diplomats are compelled to live. While they do not expect gold lace and cocked hats, for they have learned that simplicity is the rule of the Republic, they cannot comprehend the penurious policy of a great government which leaves its representatives homeless and houseless in foreign lands.

Since the results of the civil war have demonstrated to the world the power of the Federal government of the United States to maintain itself against the gravest internal danger which could have possibly threatened it, its importance in international politics has been steadily increasing. The American diplomat not only has to deal with the questions which the application of the Monroe doctrine presents in every European country having colonies in the New World, but he has also to bear his part in the discussion of those wider questions which affect the peace of the world as a whole. With a nation behind him which could in an emergency put in the field an army nearly as great as that of France and Germany combined, and possessed of a material wealth which would enable it to maintain, with no great effort, a navy as large as that of England, the American diplomat is an important personage in every European capital, despite the severely plain, not to say shabby, surroundings with which he is invested. Unfortunately, such surroundings deprive him of the external dignity which should support the envoy of a great nation, and render him conspicuous in a way necessarily painful to his national pride. It is impossible for his diplomatic colleagues to understand why he, the representative of a nation possessed of so much wealth, is not housed and maintained as they

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are; why he is not able to return in a proper manner the social civilities of which he is necessarily the recipient. And it is equally hard for the American travellers who swarm over Europe, full of pride in the great republic beyond the sea, to understand why their ambassadors and ministers should be forced to take a place in the ranks of the "shabby genteel." There is a general and indefinite understanding in the United States that there is something seriously lacking in this respect in our diplomatic service, and the erroneous impression has prevailed that the whole difficulty can be removed simply by increasing the salaries of our diplomats abroad. Fortunately the President has not fallen into that error. In his last annual message he has taken up the subject, and with his usual practical insight he has pointed out the real remedy in the following terms:

"I am thoroughly convinced that in addition to their salaries our ambassadors and ministers at foreign courts should be provided by the government with official residences. The salaries of these officers are comparatively small, and in most cases insufficient to pay, with their necessary expense, the cost of maintaining household establishments in keeping with their important and delicate functions. The usefulness of a nation's diplomatic representative depends much upon the appropriateness of his surroundings, and a country like ours, while avoiding unnecessary glitter and show, should be certain that it does not suffer in its relations with foreign nations through parsimony and shabbiness in its diplomatic outfit. These considerations and the other advantages of having fixed and somewhat permanent locations for our ambassadors would abundantly justify the moderate expenditure necessary to carry out this suggestion."

After considerable observation in nearly all of the European capitals, the writer will attempt to show that only through the adoption of the President's suggestion can any real improvement be made in a condition of things which not only impairs the practical efficiency of our diplomatic service, but also seriously compromises the dignity of the country.

No true American can for a moment desire that his representative abroad should depart either in his dress or in his manner of living from the traditional simplicity which has ever characterized our national life. At the same time he should wish to have his representative surrounded with the comfort and respectability which his station demands. No regret need ever be wasted over the fact that the American diplomat everywhere appears in the simple garb of an American gentleman. In the blaze of gold lace which flashes from the ambassadors down to the servants who upon state occasions wait behind his chair, the American representative stands out so distinct, so unique, in his simplicity that he really appears to be the only person who has a uniform at all.

What the American diplomat really requires is not a uniform of ruffles and gold lace, but a decent and appropriate official residence—*such as is provided for all other diplomats by every important government in the world except his own*—in which he can maintain the dignity of his office according to European ideas. Those ideas are based upon the usage long established in all of the important capitals where the representatives of foreign nations are domiciled in official residences provided by their governments and furnished in an appropriate manner, and in which the incoming diplomat succeeds his predecessor without disorder or confusion. There is thus no break in the continuity of the social life of the embassy or legation; it usually remains in the same spot and moves on according to the rules of well-established routine.

As a conspicuous and painful exception to this general rule, the government of the United States sends its representatives abroad without making any provision whatever for official residences. When an outgoing diplomat

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retires he either vacates a few rooms in some hotel or breaks up a private establishment which he has set up on his own account. Then his successor sets up another private residence in some new and unfamiliar place when the awkward period of house-hunting is over. If the new comer is a poor man, as he is apt to be, dependent upon his salary alone, he cannot afford to lease and furnish an appropriate establishment of the kind occupied by his equals. He must content himself generally with such a one as is occupied by the representatives of the South American republics. Then, if he be a shrewd man and thrifty manager, he may be able to hold his own with the representatives of Brazil and the Argentine, but he can hardly hope to vie with the Minister from Mexico. If he happens to be a rich and ostentatious person, he may, out of his private fortune, lease an expensive hotel, gorgeously furnished, and live at his own expense in a style which stands in ghastly contrast with that of his impecunious predecessor. In either event, the European sense of propriety is equally offended, by what it considers an eccentric, not to say vulgar, proceeding. It is almost as impossible for a European to understand how a man can be a real diplomat and the representative of a great nation without a permanent official residence, as it is for him to understand how a man can be a professional fisherman without a boat of his own. In the face of this deep-rooted and natural impression, it will never be possible for American diplomats in Europe to assume the position which rightfully belongs to them until our government resolves to accept the general rule and to provide them with appropriate and permanent homes.

The foreign governments which furnish official domiciles to their diplomatic representatives do so either by purchasing outright handsome residences in eligible situations, or they lease for terms of years appropriate houses, or parts of houses, which are furnished at the public expense in a proper manner. The first method, which is employed only by the great governments in the larger capitals, is expensive and ostentatious and entirely unsuited to our ideas and necessities. The government of the United States need do no more than lease houses, or parts of houses, and furnish them with the good taste which should characterize the home of an American gentleman. Landlords are anxious to find governments as tenants, and it is easy to have good houses specially adapted to the wants of embassies and legations by the promise of a continuing lease. With such modest establishments furnished to our diplomats free of expense, they could manage to maintain themselves respectably, without any increase in the very moderate salaries which they now receive.

It may be stated as a general rule that the representatives of the great nations in the European capitals receive more than twice the sums paid to our own as salaries, and in addition thereto splendid embassies or legations, thoroughly equipped and furnished at the expense of their governments. The following comparative table will more than bear out that assertion:

	Salary paid to—	
	British representative.	American representative.
Paris	$45,000	$17,500
Berlin	37,000	17,500
St. Petersburg	39,000	17,500
Rome	35,000	12,000
Constantinople	40,000	10,000
Vienna	40,000	12,000
Madrid	27,500	12,000
Lisbon	18,750	6,500

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If the government of the United States should resolve to remedy the present unhappy condition of things by furnishing to its diplomats in Europe appropriate residences, the expense which the undertaking would involve will, upon investigation, be found to be so small as scarcely to be noticeable in the great ledger of the republic. The following computation has been made after careful inquiry, and may be accepted as reliable:

Estimated annual expenditure for rent:

London	$5,000	Constantinople	2,500
Paris	5,000	Copenhagen	1,500
Berlin	4,500	The Hague	1,500
St. Petersburg	4,500	Stockholm	1,200
Rome	3,500	Lisbon	1,000
Vienna	3,500	Athens	1,000
Madrid	3,500		
Brussels	2,500		$40,700

Estimated expenditure for furnishing:

London	$10,000	Constantinople	6,000
Paris	10,000	Copenhagen	5,000
Berlin	9,000	The Hague	5,000
St. Petersburg	9,000	Stockholm	5,000
Rome	8,000	Lisbon	4,000
Vienna	8,000	Athens	4,000
Madrid	8,000		
Brussels	6,000		$97,000

Of all the diplomats in the world the American stands perhaps most in need of a helping hand at the outset of his career, certainly so far as external forms are concerned, for the reason that with us diplomacy is not a career. As a rule the American diplomat can at the beginning speak neither French nor the language of the country to which he is accredited. Upon these grave drawbacks is superimposed the task of finding and furnishing a house—a very difficult and expensive undertaking—at the very moment when he should be assisted, as all other diplomats are, by an establishment in good working order. If he were thus assisted his natural versatility and tact would enable him quickly to overcome the awkward novitiate through which he is now so often compelled to pass.

A great advance would undoubtedly be made if American diplomats could, like their colleagues, live in permanent embassies and legations in a state of continuous and uniform respectability which would impose itself upon the rich and the poor alike. Certainly it cannot be contended that a mere increase of salary would produce the same good results. All the evils which arise out of the want of permanent residences would still remain, with all the inequalities in the general manner of life which would result from a natural disposition upon the part of some to spend too little in order to save, and upon the part of others to spend too much in mere display. Only by providing official places of residence in which each diplomat in turn must live can the government be sure that the whole of what it appropriates will invariably go in the right direction. With an official residence to maintain, not a dollar could be saved from present allowances; and yet, with such an aid, our diplomats could live quietly in a style suited to their station, without an increase of salary.

It is un-American to create posts which only the rich can fill; it is unpatriotic for Congress to refuse official residences to our representatives abroad, and compel them to assume an attitude of apology for the great nation they represent.

H. C. CHATFIELD-TAYLOR.

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